

NOTICE OF MEETING

MEETING	PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
DATE:	TUESDAY 23 FEBRUARY 2010
TIME:	1.30 pm
VENUE:	BOURGES/VIERSEN ROOM - TOWN HALL
CONTACT:	Gemma George Telephone: 01733 452268 e-mail address: gemma.george@peterborough.gov.uk
<i>Despatch date:</i>	<i>15 February 2010</i>

AGENDA

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There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268.

MEMBERS OF PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

Cllr North (Chairman), Councillor Lowndes (Vice Chairman), Councillor C Burton, Councillor Kreling, Councillor Thacker, Councillor Todd, Councillor Winslade, Councillor Ash, Cllr Lane and Cllr Harrington

Subs: Councillor C Day and Councillor Sharp

CASE OFFICERS

Planning Delivery Team: Nicholas Harding, Theresa Nicholl, Dale Barker, Lee Collins, Andrew Cundy, Paul Smith, Mike Roberts, Louise Lewis, Janet Maclennan, Astrid Hawley, David Jolley, Louise Lovegrove, Vicky Hurrell, Amanda McSherry, Emmanuel Allanah

Minerals and Waste: Susan Marsh

Enforcement: Nigel Barnes, Anthony Whittle, Karen Cole, Julie Robshaw

NOTES:

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer or Head of Planning Services as soon as possible.
2. The purpose of location plans is to assist Members in identifying the location of the site. Location plans may not be up-to-date, and may not always show the proposed development.
3. These reports take into account the Council's equal opportunities policy but have no implications for that policy, except where expressly stated.
4. The background papers for planning applications are the application file plus any documents specifically referred to in the report itself.
5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.

Minutes of a Meeting of the Planning and Environmental Protection Committee held at the
Town Hall, Peterborough on 12 January 2010

Members Present:

Chairman - Councillor North

Councillors – Lowndes, Todd, Kreling, Thacker, Winslade, C Day, Ash, Lane and Harrington

Officers Present:

Simon Machen, Head of Planning Services (Items 5.1 and 5.2)
Andrew Cundy, Team Leader (Items 5.1 and 5.2)
Louise Lovegrove, Planner (Items 5.1 and 5.2)
Julie Smith, Senior Engineer (Development) (Items 5.1 and 5.2)
Paul Smith, (Item 6)
Kevin Dawson, (Item 7)
Gerald Reilly, (Item 7)
Carrie Denness, Principal Solicitor
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor C Burton.

Councillor C Day attended as substitute.

2. Declarations of Interests

There were no declarations of interest.

3. Members' Declaration of intention to make representation as Ward Councillor

There were no declarations from Members of the Committee to make representation as Ward Councillor on any item within the agenda.

4. Minutes of the Meeting held on 24 November 2009

The minutes of the meeting held on 24 November 2009 were approved as a true and accurate record.

5. Development Control and Enforcement Matters

5.1 09/00996/FUL – Change of use from A1 to A3 and A5 (restaurant and takeaway) at 1 Midgate, Peterborough

The building was currently in use as a retail unit, within use class A1 (shops). Planning permission was sought for change of use to A3 (restaurant) with an element of A5 (hot food take-away). Following deferral by the Planning Committee on 8th December 2009, the applicant had subsequently submitted revised ground floor and first floor layout drawings and indicative 3D visual drawings.

The application site was located within Midgate House on the junction of Midgate and Long Causeway within the City Centre. The Long Causeway frontage formed part of the Primary Retail Frontage for the Central Retail Area. The application property was of 1980s design and was situated on a prominent corner plot. There were a variety of retail and non-retail units in the surrounding area.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the plans which had been submitted at the Committees request clearly indicated that the predominant use of the site would be as a restaurant, with 10% of the site being used as a takeaway. The main issues surrounding the application included the impact on the primary retail area, the impact on neighbouring properties and the impact on the city centre conservation area.

Members' attention was drawn to additional information contained within the update report submitted by Councillor Seaton in objection to the application. Concerns had been raised regarding the number of takeaway outlets in the area, the attractiveness of the frontages of the retail units in the city centre and whether the appropriate funding would be in place to deliver the proposals. Members were advised that Planning Officers considered that the proposal would positively contribute to the vibrancy and variety on offer within the city centre and the frontage would be enhanced from its current state if the proposal was approved. Members were informed that if the unit was left empty, this would have a worse effect on the overall attractiveness of the area.

The Planning Officer further advised the Committee that the applicant had demonstrated that the ventilation flue could be erected without disruption to neighbouring properties or damage to the conservation area.

Mr David Shaw, the agent, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The additional information which had previously be requested by the Planning Committee had been provided
- The unit was extremely difficult to let in terms of retailing, due to the awkward layout of the unit
- The owner had not had success with long term tenants
- The proposed use would add a lot of activity to the unit, which in the past had been extremely difficult to let
- The proposed use would enhance the look of the unit
- The type of food sold would mainly be cold sandwiches, or subs. Sandwich bars did not need planning permission as they were classed as shops, therefore a large proportion of the units proposed use would have been permitted without a change of use
- This proposal would be more café and restaurant rather than takeaway and would help to fulfil the demand for lunchtime food
- In response to a point raised by Councillor Seaton, the owner of the unit had checked the tenants financial covenant and confidence was high that the proposal would go ahead if planning permission was granted

The Highways Officer addressed the Committee in response to questions raised and stated that there were no delivery restrictions for units in that area. There was a bay at the back of the building and parking for short periods of time for deliveries, was also allowed on the double yellow lines just outside the unit. The total amount of traffic that these deliveries would generate would be nominal as proved by the early morning deliveries which took place in Westgate.

After further debate, a motion was put forward and seconded to approve the application. The motion was carried unanimously.

RESOLVED: (unanimously) that the application be approved subject to:

- The conditions numbered C1 to C3 as detailed in the committee report

Reasons for the decision:

Subject to the imposition of the conditions, the proposal was acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- The use as a restaurant with ancillary take away would not harm the retail offer of the Central Retail Area
- There would be no detrimental impact on the amenities of neighbouring residential or retail properties
- There would be no unacceptable impact on the character or appearance of the City Centre Conservation Area

The proposed development was therefore in keeping with Policies CC2 and CBE3 of the Peterborough Local Plan (First Replacement)

5.2 Discharge of condition C1 of planning permission 09/00896/FUL – retrospective external lighting scheme at the Thomas Walker Medical Centre, 87-89 Princes Street, Peterborough

Under 09/00896/FUL, planning permission was retrospectively given for a lighting scheme at the Medical Centre. The permission was subject to a number of conditions as listed in the Committee report.

The current application before Committee was therefore to partially discharge condition C1 in so far as a design for the shields had been submitted for approval.

Conditions C2 and C3 required compliance for the lifetime of the lighting scheme, these conditions therefore could not be discharged.

The application site covered an area of approximately 0.63 hectares and was located between Princes Street and Huntly Grove. The building was comprised of part-two storey part-single storey elements and contained independent General Practitioner surgeries, a pharmacy, dental practice and mental health services. The site had a car park along the Princes Street frontage for use by visitors and patients, and a car park from Huntly Grove for the use and access of staff. The surrounding area was characterised by predominantly two storey terraced and semi-detached residential properties.

The lights to which the discharge application related comprised of 4 no. pole mounted floodlights to the Princes Street car park and 4 no. pole mounted floodlights to the Huntly Grove car park which had been in operation since their erection in January 2000.

The Planning Officer addressed the Committee and gave an overview of the proposal. The main issue highlighted was whether the design of the light shields would prevent backwards light spillage. Environmental Health Officers had addressed this issue and had stated that the proposed shields would be effective in preventing backwards light spillage.

Concerns had also been raised that there was insufficient information to determine the application and the impact that the lighting would have upon the amenity of the surrounding area.

Mrs Valenzuela, an objector and local resident, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The grant for the retrospective planning permission was opposed by local residents in the area
- The size of the lights proposed. At over 7 metres tall they were extremely powerful industrial specification lights
- The number of questions surrounding why the retrospective planning permission was granted. Had all of the relevant considerations been taken into account?
- The fitting of shields to the lights may counteract the backwards light spillage, but will have no effect on the light spillage from the front into nearby residential gardens and neighbouring premises. Local policies stated “the effect of development on the amenities and character of an area”
- The local policy DA12 in relation to light pollution. The light shields would do nothing to conform to this policy
- The condition C2 relating to the hours of usage of the lights which was imposed with the original approved planning permission. The lights were currently illuminated for longer than stated in this condition, therefore was this going to be addressed?
- The condition C3 relating to the use of the columns for lighting the car park. These lights were clearly out of proportion to the need of the local area

Mr Roger Thompson, the client, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The proposed lighting was part of the original approved scheme
- The only amendment that had happened to the lighting so far on the site had been to reduce them in number
- The lighting which had caused objection had already been in situ for nearly ten years
- The planning application before the Committee was purely to determine whether the details of the light shields submitted was acceptable or not
- The lights in question were existing, limiting the shield options available. The lights were not designed to have shields fitted in the first instance. The proposal was therefore to fit a metal plate in between the mounted bracket to prevent backward light spillage
- The details of dimensions of the brackets had been provided and it was not clear what other information could be provided in order to progress this proposal forward
- The size of the shields was to be limited due to the effects of windage on the supporting posts. If the size of the shields was increased, this would necessitate the installation of new posts across the site
- Full details of the light spread and lux levels had been computer modelled and submitted to the Local Authority for their approval. These details also highlighted that the scheme would fall well within category E2 in relation to sky glow, as stated in the original condition C3
- The time clock on the car park lighting had been broken resulting in the lights being permanently on for a period of time. The timer had since been replaced and the lights operated during the hours stipulated in the original condition of approval C2
- The light generated in the mornings and evenings allowed for safe entry and exit of all staff to and from work each day
- It would be unfair of the Council to insist that larger shields were fitted due to the large financial outlay this would impose on Assura
- The scheme fully complied with the lighting guidance for urban areas

After debate and questions to the Planning Officer, a motion was put forward and seconded to approve the recommendation that the conditions be discharged. The motion was carried by 8 votes, with 2 not voting.

RESOLVED: (8 for, 2 not voting) that condition C1 of planning permission reference 09/00896/FUL be discharged.

Reasons for the decision:

Condition C1 (shield fitting) – the details submitted with regards to the light shield design were acceptable. The submission element of this condition was therefore discharged. Development must be carried out in accordance with the approved details.

The meeting was adjourned for ten minutes.

6. Planning Obligations Implementation Scheme (POIS)

A report was presented to the Committee which sought its views on the draft Planning Obligations Implementation Scheme (POIS) before its presentation to Cabinet for approval for the purposes of adopting as a Supplementary Planning Document (SPD).

The City Council agreed in 2007 that it needed to adopt a more detailed Section 106 (S106) framework and consultants working jointly for PCC & Opportunity Peterborough (OP) developed proposals. A report on the POIS was then submitted to the Joint Scrutiny Committee on 28 July 2008.

Following consultation between the City Council, its partners, stakeholders and the community, the City Council resolved to approve the draft POIS document at the Full Council meeting held on 10th December 2008. The POIS had subsequently been used as a material consideration in making planning decisions since that date. It was intended that the POIS would then be adopted as a Supplementary Planning Document (SPD), thus forming part of the Local Development Framework (LDF). In order to achieve this, a 6 week consultation period was undertaken resulting in the receipt of substantial external and internal representations. These representations were reviewed and discussed by officers. Some of the comments were then incorporated into the revised POIS creating a clearer, more user friendly document.

The City Council had plans to grow Peterborough, which required new infrastructure and replacement infrastructure to ensure that the city's growth was sustainably achieved. The City Council had worked with partners to capture the infrastructure requirements which were set out in the Integrated Development Programme (IDP). The IDP was used as the required evidence base to justify 'charging' developers a financial contribution for wider infrastructure.

S106 contributions would only part fund the infrastructure outlined in the IDP. Funding from other sources would be used to meet the overall costs of infrastructure provision. The City Council would seek such infrastructure funding, as appropriate, on a European, national, regional and local level from both the public and private sector.

At a recent officer-level Growth Delivery Steering Group meeting the POIS was discussed against the background of a potential future mechanism for charging developers for infrastructure, known as the Community Infrastructure Levy (CIL). The conclusion of the Steering Group was to progress POIS to an adopted SPD status in the interim prior to the possible introduction of CIL.

Members were invited to comment on the draft document and the following issues and observations were highlighted:

- Members queried what would happen if Opportunity Peterborough, being a predominant partner, were disbanded in the future. Members were advised that Opportunity Peterborough was to undergo changes and the Planning Committee would be briefed on those changes at a subsequent meeting.

- The Committee commented that the POIS was an improvement on preceding schemes, as S106 money had been difficult to acquire in the past.
- The Committee further commented on paragraph 2.4 in the POIS document, relating to the acquisition of funding from other sources other than planning obligations. Would this always be possible to ensure delivery of sustainable communities? The Committee was advised that viability was important in the first instance. Developers were to be encouraged in the area and the seeking of alternative funding sources would help to encourage further development.
- Members expressed concern that determination of the standard contribution for houses and flats was measured on the number of bedrooms a property had. Would this be an easy condition to enforce, as what constituted a bedroom? Members were advised that this recommendation for determination of the standard contribution had been put forward as it was a simple enforceable method of determination. Members were further advised that the determination only applied for up to five bedrooms, however there was a potential for this aspect to change in the future if the Community Infrastructure Levy (CIL) were to be implemented.
- Members expressed further concern at the POIS being based on the three neighbourhood management areas. Members were informed that part of the logic in having the POIS relate to the three neighbourhood areas was that if they were divided down further more deprived areas would potentially not benefit from the neighbourhood investment as they would not potentially get the development. Development tended to take place in the less deprived areas as land values there were higher, therefore pooling and prioritising through the neighbourhood council process would enable a wider spread. Also spend of S106 monies was subject to planning legislation and guidance as set out in Circular 05/05 which detailed where and how monies could be allocated, as such there would need to be correlation in relation to the application site and the spend of s106 monies, therefore even though the pools would be large, the money from a development would still be spent within a local area.
- Members requested examples of where the money had been spent so far. Members were advised that many of the obligations were yet to be triggered due to the downturn in the development market as such, the monies were not yet due to the Council.
- A query was raised regarding whether a levy could be procured on 'dayrooms', these being old converted outhouses in gardens. Members were informed that 'dayrooms' were considered to be 'ancillary curtilage buildings' and not self contained independent dwelling units. These buildings were classed as extensions to existing properties and there was currently no provision in the POIS document to trigger further contributions by building an extension. However, this may possibly change in the future with the introduction of the CIL.
- Members commented that large extensions with additional bedrooms should automatically increase the contributions. Members were advised that this matter would be reviewed after a year of operating the POIS formally and once the situation with the CIL had been ascertained.

RESOLVED: to note and comment on the Planning Obligations Implementation Scheme (POIS) before its presentation to Cabinet for approval.

7. Council Approved Guidance – Towards Inclusive Design

A report was presented to the Committee which sought its approval for the issue of the updated council approved guidance.

In 1999 the City Council produced formal Supplementary Planning Guidance (SPG) entitled 'Design of the Built Environment for Full Accessibility'. Subsequently, in 2004, part M of the Building Regulations was amended and the Planning and Compulsory Purchase Act 2008 was established which introduced the concept of design and access statements and also brought in the statement of community involvement. This then led to the issue of further guidance documents which were completed in 2009.

It was subsequently identified by the then Head of Planning Services, that due to the changes in legislation, guidance and British standards, the Supplementary Planning Guidance (SPG) should be superseded with up to date council approved guidance.

The Committee was advised that the guidance would:

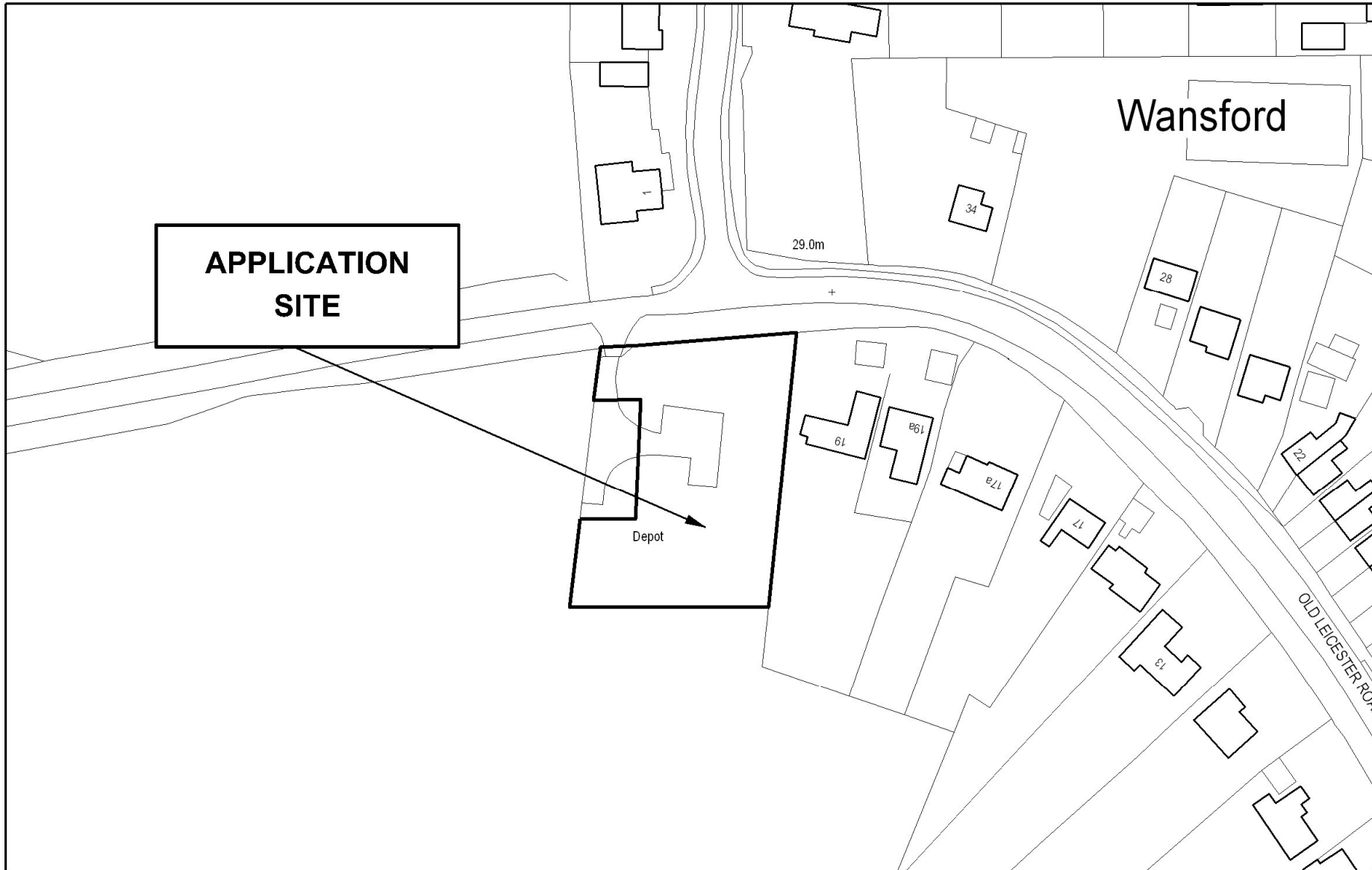
- Involve the customer early on in the planning process;
- Enhance the inclusivity of the built environment;
- Improve the quality of pre-application enquiries;
- Problem solve at an early state in the planning process; and
- Speed up the planning process

After brief debate Members commented that the report was very good and it was essential that developers are advised of what is expected of them at an early stage.

RESOLVED: to approve the guidance "Towards Inclusive Design".

13.30 – 15.17
Chairman

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LOCATION PLAN 08/01632/OUT

Land Adjacent to 19 Old Leicester Road, Wansford

Scale 1:1250 **Date** 11/2/2010 **Name** MKB **Department** Planning Services

PCC GIS



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08/01632/OUT: ERECTION OF TWO 5 BED DWELLINGS AT LAND ADJACENT TO 19 OLD LEICESTER ROAD, WANSFORD, PETERBOROUGH
VALID: 5 MAY 2009
APPLICANT: FLOGAS
AGENT: KING STURGE
REFERRED BY: WANSFORD PARISH COUNCIL
REASON: THE RECOMMENDATION DOES NOT DELIVER AN OFF SITE TRAFFIC CALMING SCHEME THE PARISH COUNCIL HAS REQUESTED
DEPARTURE: NO

CASE OFFICER: THERESA NICHOLL
TELEPHONE: 01733 454442
E-MAIL: theresa.nicholl@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The principle of the development
- Any potential impact upon neighbour amenity
- Any potential impact upon the character and appearance of the street scene and the adjacent Conservation Area
- Any potential impact upon the Wansford Pasture Site of Special Scientific Interest (SSSI)
- Flood Risk
- Access
- Contamination
- Infrastructure Requirements

The Head of Planning Services recommends that the application is **APPROVED** subject to conditions and the entering into of a Section 106 Agreement.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Key policies highlighted below.

The Peterborough Local Plan (First Replacement)

H8 Village Envelopes

H11 Group Settlements

H15 Residential Density

H16 Residential Design and Amenity

T1 Transport Implications of New Development

DA1 Design – effect on surroundings

DA2 The effect of Development on the Amenities and Character of an Area

DA9 Protected Spaces and Frontages in Villages

CBE3 Development Affecting Conservation Areas

LNE9 Landscaping Implications of Development Proposals
LNE10 Detailed Elements of Landscaping Schemes
LNE15 Sites of National Nature Conservation Importance
IMP 1 Securing Satisfactory Development

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

PPS 1 Delivering Sustainable Development
PPS 3 Housing
PPS 9 Biodiversity and Geological Conservation
PPG 13 Transport
PPG 15 Planning and the Historic Environment
PPS 23 Planning and Pollution Control
PPS 25 Development and Flood Risk

Planning Obligations Implementation Strategy SPD

ODPM Circular 05/2005 "Planning Obligations". Amongst other factors, the Secretary of State's policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning;
- ii) necessary to make the proposed development acceptable in planning terms;
- iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- iv) fairly and reasonably related in scale and kind to the proposed development;
- v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

3 DESCRIPTION OF PROPOSAL

This is an application for outline planning permission for two dwellings with all detailed matters reserved for subsequent approval.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site measures 0.188 of a hectare. It lies on the western edge of Wansford and is within the village boundary as identified on the proposals map (inset 26) of the Peterborough Local Plan (First Replacement). The site is located adjacent to 19 Old Leicester Road and part is currently in use as a storage depot for LPG.

The site slopes gently to the south and is covered with grass and small native shrubs. The northern boundary has extensive hedge growth with several mature trees which are identified in the Local Plan as a protected treed or hedge frontage (although none are protected by Tree Preservation Orders). The east and west boundaries contain mature hedges and the southern boundary has several mature trees and hedge growth.

The existing property to the east is a large detached L shaped property with a detached garage. The next house along, No. 19A, appears to have been built in the former total site area of No. 19. There is 2.5 metres separating these two properties. To the north and across the Old Leicester Road are large detached properties, part of Robin's Field. The western edge of the site is in line with the western edge of the residential property in Robin's Field which forms the western most extent of the village envelope.

The site lies within Wansford SSSI and although it is accepted by the relevant bodies that the site was most likely included in the designation in error, the effects of the development upon the SSSI must still be taken into account – all the adjacent land to the west is protected under this designation,

The site lies just outside the Conservation Area to the East.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
06/00569/OUT	Erection of two dwellings and alterations to existing access	June 2006	WDN
08/01633/FUL	Re-siting of gas compound	Dec 2009	PER

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport & Engineering: No objection. Requests conditions.

Senior Engineer (Drainage): No objection. The applicant proposes soakaways for surface water discharge therefore please ensure that Building Control give approval for soakaways in this location [Planning Officer Comment – the use of soakaways is not recommended for approval at this stage as it is not yet known if this method is suitable given the potential for impact on the water table in relation to the SSSI].

Archaeological Office: No objection. The proposal is unlikely to have any significant archaeological remains.

EXTERNAL

Natural England: No objection. Is satisfied that detailed information on foundations and risks to watering of the SSSI will be submitted at the detailed planning stage and that details of the proposed mitigation measures to offset the potential effects upon the SSSI i.e. maintenance contributions, are acceptable.

The Wildlife Trust: No objection. Support the comments made by Natural England and agree that the contribution proposed towards the maintenance of the SSSI is acceptable.

Wansford Parish Council: Do not object in principle subject to;

- The position of the houses being well set back from the road in keeping with neighbouring properties
- The height of the dwellings should be restricted to be in keeping with neighbouring/nearby property
- Traffic calming is needed on the approach to the village

The Parish Council has suggested conditions to cover these issues.

NEIGHBOURS

A letter of objection has been received from 1 local resident raising the following issues:

- The development will adversely affect the Conservation Area
- The proposal will affect our amenity and privacy
- The houses are considerably higher than the majority of houses in the village

- The proposal will affect our daylight and sunlight particularly in our west facing windows
- The buildings are too close to our boundary and there is no need to remove the existing hedgerows
- The proposal will have an affect upon the SSSI

7 REASONING

Each key issue, set out above is discussed below with reference to the relevant development plan policy and any other material considerations.

a) Principle of Development

The principle of the development is acceptable. The site lies within the village boundary and is brownfield land having a long established use as an LPG storage site (part). The site is defined as a Group Settlement under Local Plan policy H11 and the proposal would comprise a “housing group” of two dwellings utilising and existing street frontage, thus complying with part (a) of H11.

b) Neighbour Amenity

There is only one neighbouring property potentially directly affected by the proposal and that is 19 Old Leicester Road, the L shaped detached house to the east of the site. The occupier of No. 19 is concerned about loss of light and privacy amongst other issues. It must be noted that the submitted layout showing the position of two dwellings is indicative only. Nevertheless, it is considered that two detached dwellings can be accommodated on the site in broadly the positions indicated without having a significant adverse impact upon the neighbours’ amenity. There is a small length of side elevation to No. 19 which is within 3 metres of the site boundary. This elevation contains some small but secondary windows. It will be possible for the existing hedgerow to the common boundary to be retained and if any sections are removed there will be scope to replace with new planting. It is considered that it will be possible to site and design two dwellings that can be accommodated on the site which meet the policy requirements of DA 2 of the Peterborough Local Plan and have no adverse impact on the amenities of neighbouring occupiers.

With regard to amenity of the new occupiers, the re-siting of the gas tanks involves the partial burial of the new tanks. Whilst this compound area, to the south west of this site, will be visible it will not be intrusive. A lorry will need to use the proposed shared access to visit the compound from time to time but this is not so regular as to cause disturbance to the new residents.

c) Character and Appearance in Street scene and impact on adjacent Conservation Area

The character of the immediate area is one of quite large bespoke mainly detached dwellings set in fairly spacious plots. The street is quite open, green and feels semi-rural as it is apparent that this is the edge of the village. The property at this western edge of the village is not “historic” and buildings would not be worthy of retention for their own sake, but low density, low rise (mainly two storey) bespoke development does have a particular character. The trees to the front of the site, whilst not worthy of TPO do provide an important visual edge to the street. Their retention will be an important part of any landscaping scheme to be submitted should this application be approved. The trees together with those to the rear of the site and the hedgerows should be retained for their own sake and to help soften the appearance of the new development. The eastern boundary of the site is the edge of the Conservation Area, the site lying just outside it. The details of the landscaping scheme are reserved for subsequent approval.

It is considered that two dwellings can be accommodated on this site. The plot sizes will be very similar to that of neighbouring property. If permission is granted, conditions will be imposed restricting the height of new dwellings and the positioning in relation to the site frontage. The location of the site demands a high quality design and this could potentially take a number of forms but as long as the parameters of number of units, height and proximity to the road are set at this stage, the design details can be submitted later as reserved matters. The site should not be developed for any greater number of units as such a density would be out of keeping with the location. The site can be developed so as to preserve or enhance the character or appearance of the street scene and the Conservation Area thus complying with DA 1, DA 2 and CBE 3 of the Peterborough Local Plan (First Replacement) as well as the guidance in PPS 1 and PPS 15.

d) **Impact on the SSSI**

Natural England (NE) is the statutory consultee in relation to development which potentially impacts a Site of Special Scientific Interest. After some discussion, NE raises no objections subject to conditions and a contribution towards the maintenance of the SSSI. The justification for this contribution is that the SSSI is publicly accessible. Two large dwellings will create some additional pressure on the use of the site. After negotiation, the applicant has agreed to contribute £1000 towards the maintenance and this will be paid via PCC to the Wildlife Trust who manage the SSSI. The Wildlife Trust is similarly happy with this contribution. This is a fairly modest sum, given the cost involved in say, carrying out works to trees, but reflects the fact that only two dwellings are proposed. A condition requiring the submission of further detail of ground works, including foundations and utility routes and any mitigation on affect on watering of the adjacent land in the SSSI will ensure that there is minimal impact on water flow from the site. The proposal therefore is acceptable in respect of PPS 9 and policy LNE 15 of the Local Plan.

e) **Flood Risk**

The site lies outside flood zones 1 and 2 and therefore there is no risk of fluvial flooding of the site. The site drainage in terms of surface and groundwater flows is partially covered by the condition relating to the SSSI. Otherwise, drainage will be dealt with under building regulations and legislation under the Water Act.

f) **Contamination**

The submission does not deal with the potential of contamination of the site. Taking a precautionary approach as advocated in PPS 23, a condition will be attached to any permission granted which requires a staged approach to dealing with potential contamination e.g. desktop study, if necessary on site sampling and if necessary on site remediation.

g) **Access**

The indicative plans submitted show that the proposed point of vehicular access to the dwellings will be the same as currently serves the gas storage use. This access was also shown on the recently approved application to re-locate the gas tanks out of the area now proposed for the residential development. The Highway Authority raises no objections to the proposal subject to conditions.

The Parish Council requested that traffic calming be provided by the developer at the entrance to the village on Old Leicester Road. After consulting with the Highway Authority and taking the site location and number of dwellings into account, it is considered that this development does not warrant a traffic calming scheme and if additional contributions (above the POIS) were to be requested this would not comply with the tests set out in Circular 05/05. The Parish Council has been advised to discuss the issue of traffic calming with the appropriate officer in the Highways team regarding the potential of achieving this through the general programme of works. Of course part of the POIS contribution of £6000 per dwelling will be put towards transportation. If a demand were made for such a contribution, in your officer's opinion, this would not stand up to scrutiny on any subsequent appeal. The detailed design of the access will be submitted at reserved matters stage and subject to conditions the proposal accords with policy T1 of the Local Plan.

h) **Infrastructure Requirements**

In accordance with the POIS, contributions will be required per dwelling. The indicative plans show two five bedroom houses, which would attract a standard contribution of £6000 each plus the monitoring fee. The legal agreement can contain a clause whereby this figure can be varied according to the number of bedrooms contained in any application for approval of reserved matters. The requirement for the SSSI maintenance contribution has been set out above. The proposal therefore meets the tests set out in Circular 05/05 and policy IMP 1 of the Local Plan.

8 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan as set out in detail above.

The proposal accords with the development plan policies and national policy guidance.

There are no material considerations which count against the development, subject to the imposition of conditions and the entering into of a legal agreement. It is anticipated that a high quality development of individual design will need to be submitted at reserved matters stage to take advantage of the prestigious position of the site and to maintain or enhance the street scene, Conservation Areas and natural features associated with this site. The dwellings can be designed and scaled so as to minimise impact on the neighbouring residents.

9 RECOMMENDATION

Subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the infrastructure needs of the area as generated by the development and a contribution towards maintenance of the Wansford Pasture SSSI, the Head of Planning Services be authorised to grant planning permission subject to the following conditions:

- C1 Approval of the details of the siting, layout, scale and appearance of the buildings; the means of access thereto and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**
Reason: To ensure that the Local Planning Authority is satisfied with the reserved matters, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C2 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**
Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).
- C3 The ridge height of the new dwellings shall not exceed 9.5 metres above the existing concrete slab level within the site (which houses the gas tanks prior to them being re-sited). This shall be demonstrated on the drawings to be submitted as part of any reserved matters submission.**
Reason: In order that the height of the dwellings is in keeping with the scale of neighbouring dwellings and preserves the character and appearance of the adjacent Conservation Area, in accordance with policies DA1, DA2 and CBE3 of the Peterborough Local Plan (First Replacement).
- C4 No part of any two storey building shall be sited closer to the front boundary of the site than 20 metres.**
Reason: In order that the siting of the development is in keeping with the neighbouring property in the interests of preserving the character of the area and in the interests of retention of the mature trees to the front of the site in accordance with policies DA1, CBE3 and LNE9 of the Peterborough Local Plan (First Amendment).
- C5 Prior to the commencement of any excavation or earth moving within the site, plans and details shall be submitted to and approved in writing by the Local Planning Authority showing/including the following:-**
- (1) Details of all excavation and foundations within the site, including any new hard surfacing and trenching for services. The plans shall show the extent and depth of any foundations.**
 - (2) Details of the method of dispersal of surface water within the site**
 - (3) A report from a suitably qualified person which confirms that the operations submitted and detailed in respect of (1) and (2) above will either:-**
 - (a) Not have an adverse impact upon the SSSI through impediment to surface water drainage, groundwater or affect on the spring line within the site and watering of the SSSI**
 - (b) Demonstrates adequate methods of mitigation which will ensure that the watering of the SSSI is maintained or enhanced from commencement of the development and thereafter.**

The development shall not take place other than in complete accordance with the approved details.

Reason: In the interests of preserving the special interest of the SSSI in accordance with PPS 9 and policy LNE15 of the Peterborough Local Plan (First Replacement).

C6 No development shall take place until details of all materials to be used in the external surfaces of the dwellings (walls, roofs, windows and rainwater goods), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

C7 Prior to the commencement of development, detailed contoured plans and cross sections shall be submitted to and approved in writing by the Local Planning Authority, to show existing and finished levels of the land and shall indicate the level of the ground floor of any building to be constructed. The development shall thereafter be carried out strictly in accordance with the slab levels shown on the approved drawing(s).

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

C8 Notwithstanding the submitted details, the development shall not commence until details of all boundary fencing/screening has been submitted to and approved in writing by the Local Planning Authority. The proposed fencing shall take account of the need to preserve and maintain the existing boundary hedgerows. The approved fencing/screening shall be erected prior to the first occupation of the dwellings and retained as such thereafter.

Reason: In order to protect and safeguard the amenity of the adjoining occupiers and the occupiers of the new dwellings in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).

C9 a) The development hereby permitted shall not be commenced until details of a contaminated land investigation have been submitted to and approved by the Local Planning Authority. This submission shall be made to the Local Planning Authority in the following sequence:-

(i) A desk top study, and, if required by the Local Planning Authority following this submission

(ii) A site investigation, and, if required by the Local Planning Authority following (i) and/or (ii)

(iii) A remediation strategy setting out the measures to be carried out on site to mitigate against any unacceptable risk or risks to all potential receptors

b) If required, the remediation of the site shall be carried out fully in accordance with the approved details and timetable contained therein. Within one month of completion of the remediation works, two copies of a closure report shall be submitted to the Local Planning Authority

b) If during the development of the site, contamination not previously considered is identified, no further work shall be carried out until the Local Planning Authority has been notified in writing of the discovery and a method statement detailing a scheme for dealing with the contamination has been submitted to and approved by the Local Planning Authority. The remediation shall be carried out in accordance with the approved detail.

Reason: To reduce the risk to all receptors to acceptable levels and ensure that the site is suitable for its proposed use and to safeguard the environment of the area, in accordance with PPS 23.

C10 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. These facilities shall be in accordance with details which have been approved in writing by the Local Planning Authority.

Reason: In the interests of Highway safety, in accordance with Policy T1 of the Adopted Peterborough Local Plan (First Replacement).

C11 An adequate space shall be provided within the site to enable vehicles to enter and leave in forward gear. This provision shall be in accordance with details which have been approved in writing by the Local Planning Authority.

Reason: In the interests of Highway safety, in accordance with Policy T1 of the Adopted Peterborough Local Plan (First Replacement).

C12 An adequate space shall be provided within the site to enable 2 vehicles per dwelling to park clear of the public highway. This provision shall be in accordance with details which have been approved in writing by the Local Planning Authority.

Reason: In the interests of Highway safety, in accordance with Policies T10 & T11 of the Adopted Peterborough Local Plan (First Replacement).

C13 The access road/driveway shall be of a minimum width of 5.5m from the edge of the existing carriageway for as far as it is shared with the Flogas Depot, it shall be a minimum width of 4.5m thereafter for the remaining shared distance.

Reason: In the interests of Highway safety, in accordance with Policies T1 and T8 of the Adopted Peterborough Local Plan (First Replacement).

Informatives:

1. Public Health Act 1925 S17-18

The development will result in the creation of new street(s) and/or new dwelling(s) and/or new premises and it will be necessary for the Council, as Street Naming Authority, to allocate appropriate street names and property numbers. Before development is commenced, you should contact the Kim Everett on (01733) 453476 for details of the procedure to be followed and information required. This procedure is applicable to the sub-division of premises, which will provide multiple occupancy for both residential and commercial buildings.

Please note this is not a function covered by your planning application but is a statutory obligation of the Local Authority, and is not chargeable and must be dealt with as a separate matter.

2. Highways Act 1980 - Section 184, Sub-Sections (3)(4)(9)

This development involves the construction of a new or alteration of an existing vehicular crossing within a public highway.

These works **MUST** be carried out in accordance with details specified by Peterborough City Council.

Prior to commencing any works within the public highway, a Road Opening Permit must be obtained from the Council on payment of the appropriate fee.

Contact is to be made with the Transport & Engineering – Highway Control Team on 01733 453421 who will supply the relevant application form, provide a preliminary indication of the fee payable and specify the construction details and drawing(s) required.

3. NR&SWA 1991

The development is likely to involve works within the public highway in order to provide services to the site. Such works must be licensed under the New Roads and Street Works Act 1991.

It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Applications for NR & SWA licences should be made to Peter Brigham – Street Works Coordinator on 01733 453578.

4. Highways Act 1980 - Section 148, Sub-Section C

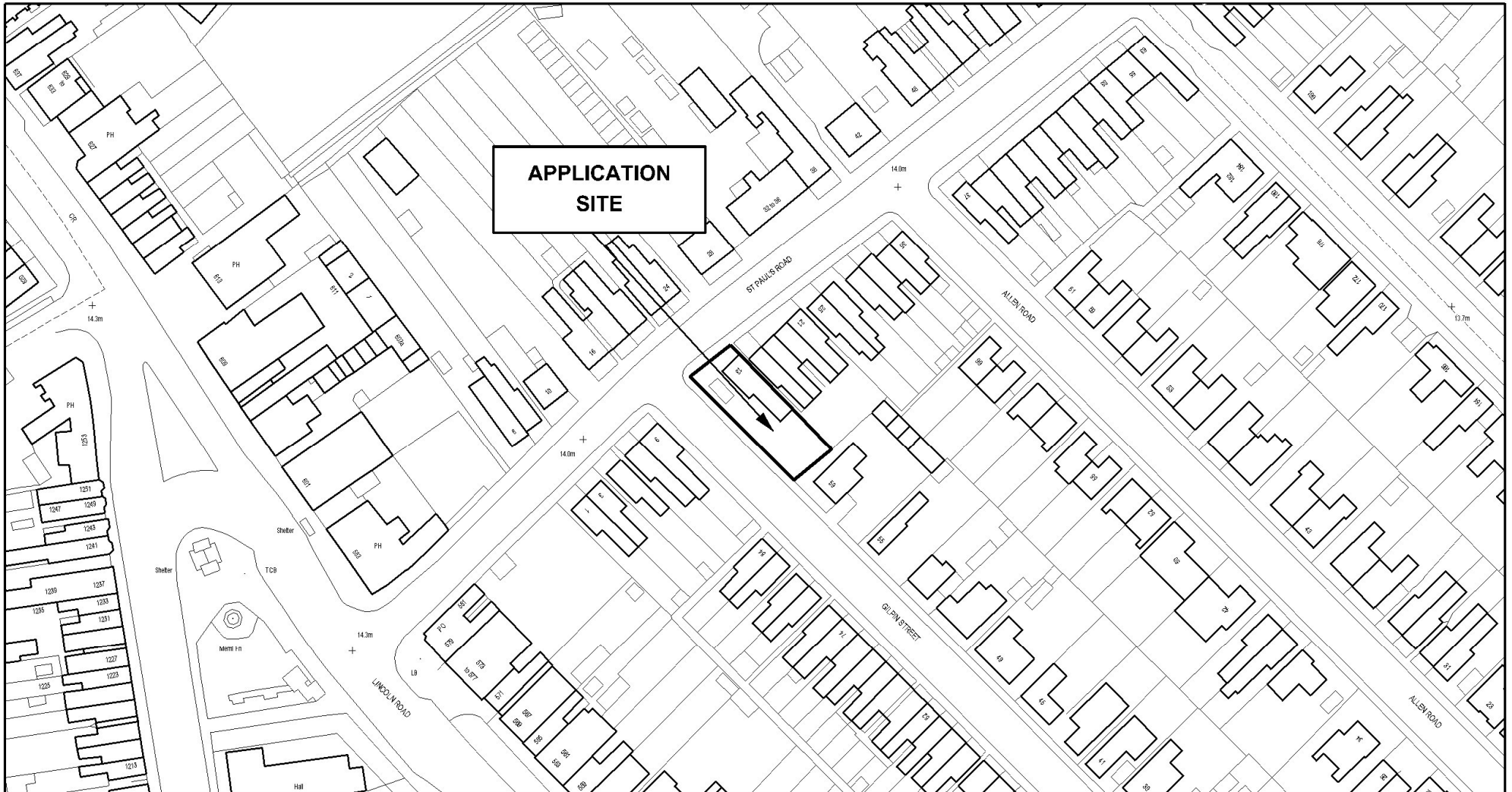
It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

5. Highways Act 1980 - Section 149

If any thing is so deposited on a highway as to constitute a nuisance, the local authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order under this Section. In the event that the deposit is considered to constitute a danger, the Local Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Copy to Councillors Holdich, Lamb

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LOCATION PLAN 09/01162/FUL

13 St Paul's Road, Peterborough

Scale	1:1250	Date	11/2/2010	Name	MKB	Department	Planning Services
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09/01162/FUL: CONSTRUCTION OF A TWO BED, TWO STOREY DWELLING AT 13 ST PAUL'S ROAD, NEW ENGLAND, PETERBOROUGH
VALID: 20 NOVEMBER 2009
APPLICANT: CITY LINK PROPERTIES UK LTD
AGENT: H A ARCHITECTURAL SERVICES
REFERRED BY: HEAD OF PLANNING SERVICES
REASON: NEIGHBOUR'S CONCERN RE IMPACT ON STREET SCENE
DEPARTURE: NO

CASE OFFICER: MISS L C LOVEGROVE
TELEPHONE: 01733 454439
E-MAIL: louise.lovegrove@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Principle of the development
- The design and the impact of the proposal on the character of the area
- The impact of the proposal on the residential amenities of the occupiers of nearby neighbouring properties
- Highway implications

The Head of Planning Services recommends that the application is **APPROVED**.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

- H7 Housing Development on unallocated Sites** – within the urban area development on any site not allocated in policy H3 including by infilling, redevelopment and change of use of existing buildings will be permitted where the site is not allocated for any other purpose, within a defined employment area, is or will be integrated with existing or proposed infrastructure to meet residential needs and where development would make efficient use of the site, respect the character of the area, provide good quality living conditions for residents, would not have a detrimental impact on highway safety, unacceptably constrain development of adjoining land or result in the loss of open space of recreational or amenity value.
- H16 Residential Design and Amenity** – planning permission will only be granted for residential development if the following amenities are provided to a satisfactory standard: daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.
- T1 Transport implications of New Development** – planning permission will only be granted if the development would provide safe and convenient access to the site and would not result in an adverse impact on the public highway.

- T10 Car and Motorcycle Parking Requirements** – planning permission will only be granted for development outside the city centre if it is in accordance with Appendix V.
- DA1 Townscape and Urban Design** – planning permission will only be granted if the development is compatible with its surroundings in respect to the relationship to nearby buildings, and spaces, its impact to on longer views, creates or reinforces a sense of place, and does not create an adverse visual impact.
- DA2 The effect of development upon on the amenities and character of an area** – planning permission will only be granted if development can be satisfactorily accommodated within the site, it would not affect the character of an area, it would have no adverse impact upon the amenities of occupiers of nearby properties.
- DA6 Tandem, Backland and Piecemeal Development** – planning permission will only be granted if development can be satisfactorily accommodated within the site in terms of scale and density, it would not affect the character of an area, it would have no adverse impact upon the amenities of occupiers of nearby properties, it can be satisfactorily accessed from the public highway and would not prejudice the comprehensive development of a larger area.
- IMP1 Securing Satisfactory Development** – planning permission will not be granted for any development unless provision is secured for all additional infrastructure, services, community facilities, and environmental protection measures, which are necessary as a direct consequence of the development.

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

- PPS1 Delivering Sustainable Development
PPS3 Housing

ODPM Circular 05/2005 “Planning Obligations”. Amongst other factors, the Secretary of State’s policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning;
- ii) necessary to make the proposed development acceptable in planning terms;
- iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- iv) fairly and reasonably related in scale and kind to the proposed development;
- v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

3 DESCRIPTION OF PROPOSAL

Planning permission is sought for the construction of a two storey dwelling which adjacent to the existing dwelling at 13 St Paul’s Road. The proposal represents infill development within the area and would result in an appearance of semi detached residential properties.

Off road parking for 2 vehicles is proposed (one for the proposed property and one for the existing dwelling) and will be accessed from Gilpin Street. The dwelling is proposed to have two bedrooms and will mirror the built form and appearance of the existing dwelling at 13 St Paul's Road.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is formed by the side garden of the single detached two storey Victorian villa at 13 St. Paul's Road. Access to the existing house is from St Paul's Road and off road parking is provided via a single detached garage (to be demolished under the proposal) and the associated stand-off area. The site occupies a prominent corner plot on the junction of St Paul's Road and Gilpin Street. The surrounding area is predominantly residential and has a uniform character of terraced and semi detached Victorian properties, albeit some infill development has taken place.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
08/00795/FUL	Two storey side extension and conversion to form four flats	16.09.2008	REF
09/01017/FUL	Two storey side extension and conversion to form four flats	29.01.2010	WDN

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering: No objections subject to conditions relating to provision and retention of parking and provision of pedestrian visibility splays.

Drainage Officer: No objection subject to Building Control granting approval for the use of soakaways as a means of surface water discharge.

EXTERNAL

Millfeld and New England Regeneration Partnership: Concerned that represents an attempt to get a previous application for four flats through 'by the back door'.

NEIGHBOURS

Two letters of objection have been received from local residents with regards to the proposal. Their objections relate to:

- Harmful impact upon the landscape of the area
- Loss of trees
- Dwelling has always been designed as a detached property, not a semi-detached
- Lack of parking capacity
- Strain on services such as sewage, gas and water
- Lack of daylight to habitable rooms of each dwelling

7 REASONING

a) Principle of development

The proposal to erect a two storey two bedroom dwelling is an example of infill development within an established residential area. The site falls within the Peterborough urban area and is within close proximity to the city centre. The proposal offers good quality living accommodation which meets a range of residential needs.

The principle is therefore considered in accordance with policy H7 of the Peterborough Local Plan (First Replacement) and PPS3, subject to securing satisfactory levels of amenity and suitable design.

b) **Design and impact on the character and appearance of the area**

The overall design of the proposed dwelling is respectful and reflective of the design, character and built form of the terraced properties immediately to the north of the application site. The existing dwelling (13 St. Paul's Road) appears most prominent within the streetscene given that it is set slightly forward from the terraced properties and has a higher ridge height. The proposed scheme reflects the size, scale and form of the existing dwellinghouse (13 St Paul's Road) and respects the surrounding built form of the area. The application site occupies a prominent position within the streetscene and there is an established form of development up to the back edge of the pavement on similar corner plots. It is therefore considered that the proposal will not represent development which appears unduly obtrusive or overbearing and as such will not appear out of keeping or incongruent within the streetscene. The design of the proposal represents natural infill development that will not harm the visual amenity of the area as a whole.

c) **Impact on residential amenity**

It is considered that the proposed dwelling would not significantly harm the amenities of occupiers of surrounding properties. The positioning of the proposed dwelling is such that it would be set away from all neighbouring residential properties, given its corner plot location. There is proposed to be a separation distance of some 15 metres from the rear elevation of the proposal to the side elevation of No. 59 Gilpin Street. This distance is slightly greater than that which currently existing between the neighbouring property and No. 13 St Paul's Road. Therefore it is unlikely to have an overbearing or overshadowing impact upon these surrounding properties.

With regards to the impact upon the amenity of occupants of the immediately adjoining property, No.13 St Paul's Road, it is considered that the proposal will not have a significantly adverse impact. The application scheme has been designed to mirror the form of the existing dwelling on the site and other dwellings in the immediately surrounding area. As a result, the proposed dwelling will have a rear projection that generally mirrors that on 13 St. Paul's. The separation distance between the two is c. 4 metres and this ensures that there will be sufficient levels of sunlight and natural daylight will be afforded to the habitable rooms of the proposed and existing properties. With regards to overlooking, the first floor side window to the back bedroom would result in some additional overlooking but not to a level that is not typical for the form of development that is prevalent in the locality. Overall, the proposal will not result in undue levels of overshadowing or overlooking which would cause harm to the amenity of occupants of the existing dwellinghouse.

Furthermore, it is considered that the proposed dwelling will ensure an adequate level of amenity for any future occupiers and of the existing occupiers of No.13 with rear gardens of approximately 60sqm. The dwellings will provide sufficient outdoor amenity space and the rooms are of an adequate size.

d) **Highways implications**

The Local Highways Authority has not raised any objection to the proposal despite neighbour concerns regarding the level of off street parking provided and the potential danger of creating an access from Gilpin Street. It is considered that the car parking provision proposed (one space per dwelling) is sufficient to service the needs of occupants of each dwelling. There is sufficient capacity along Gilpin Street to accommodate the extra access that will be required and it is considered unlikely that the proposal will generate any further demand for on road parking. Furthermore, the location is considered highly sustainable given its close proximity to the Millfield District Centre and bus stops which serve the City Centre. The location is capable of accommodating the level of development proposed and the car parking provided will not cause a detriment to highway safety.

e) **Securing satisfactory development**

The Draft Planning Obligations Implementation Scheme is applicable in this instance and the applicant has agreed to enter into a S106 agreement.

This requirement accords with both national and local policy and in the Planning Officers opinion complies with the 5 tests and the principles set out in ODPM Circular 05/2005 (see Section 2 above).

f) **Other Matters**

The trees that are to be removed are insignificant specimens that are not suitable for protection by tree preservation order. There is therefore no justification for refusing planning permission on the grounds of the trees being lost.

There is no evidence to suggest that the development cannot be accommodated by the gas, water, electric and sewer services in the area, so this cannot be a justifiable reason for refusing the application.

Whilst there have been previous unsuccessful attempts to gain planning permission for a development of 4 No flats, this current application is for a single dwelling. If approved and built and the owner then wished to convert the property to flats then planning permission would have to be applied for. Whilst MANERP's concerns are noted, it is not possible for the Council to refuse planning permission for the current proposal on the basis of what might be applied for in the future by the owner.

8 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- The proposal represents infill development within the urban area of Peterborough and would contribute to the provision of a range of housing within the City in accordance with policy H7 of the Adopted Peterborough Local Plan (First Replacement);
- The proposal has been designed to ensure it reflects and respects the character and appearance of the streetscene and will not appear unduly obtrusive or overbearing, in accordance with policies DA1 and DA2 of the Adopted Peterborough Local Plan (First Replacement);
- The proposal will not have a significant overshadowing or overbearing impact on the amenity of surrounding occupiers, will not result in a loss of privacy to primary habitable rooms due to overlooking and will ensure a good level of amenity for future occupiers in accordance with policies DA2, DA6 and H16 of the Adopted Peterborough Local Plan (First Replacement); and
- Given the sustainable location of the application site, the level of car parking proposed will not cause undue stress on the public highway and would not harm highway safety, in accordance with policies T1 and T10 of the Adopted Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

Subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) for a financial contribution to meet the infrastructure needs of the area, the Head of Planning Services be authorised to grant planning permission subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

C2 Prior to commencement of construction, or within such other period as may be agreed in writing with the Local Planning Authority, samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted must be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

- C3** Prior to first occupation of the development hereby approved, space shall be laid out for vehicles to park for the existing and proposed dwelling in accordance with the details shown on drawing no. 458:2 and those areas shall not thereafter be used for any purpose other than the parking of vehicles in connection with the use of both properties.
Reason: In the interest of Highway safety, in accordance with Policies T1 and T10 of the Peterborough Local Plan (First Replacement).
- C4** Prior to first occupation of the development hereby permitted, the vehicle to pedestrian visibility splays shown on drawing no. 458:2 (of dimensions 2 metres x 2 metres to the left side of the proposed parking space) shall be provided and be maintained thereafter free from any obstruction over a height of 600mm within the splay.
Reason: In the interests of Highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).
- C5** Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no domestic enlargement to the dwelling or outbuildings shall be constructed other than as those expressly authorised by this permission.
Reason: In order to protect the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C6** Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no windows shall be inserted into any elevation of the dwelling other than those expressly authorised by this permission.
Reason: In order protect the amenity of the adjoining occupiers or the visual amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C7** An enclosed space for refuse bins shall be provided to the rear of the dwellings prior to first occupation in accordance with details submitted to and agreed in writing by the Local Planning Authority before development commences.
Reason: In order to protect the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C8** Prior to commencement of construction, or within such other period as may be agreed in writing with the Local Planning Authority, details of all boundary treatments (which will include a wall to the front of the proposed dwelling) shall be submitted to and approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, and thereafter such fencing shall be maintained to the satisfaction of the Local Planning Authority.
Reason: To match the appearance of other properties in the street and in order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policies DA1 and 2 of the Peterborough Local Plan (First Replacement).
- C9** Notwithstanding the submitted plans hereby approved, and prior to the commencement of works, precise details of the following items of work shall be submitted to and approved in writing by the Local Planning Authority:
- Large scale elevation drawings (1:10 scale) of decorative architectural features such as, moulded stone dressings for window lintels, front door surround and portico, first floor front window stone mullion, over sailing and dentiled brick eaves patterning, ridge tiles and contrasting coloured brick string course band.
 - Scaled cross section drawings (1:2) and elevation drawings (1:10) of all new doors and windows (including the front bay window) including details of glazing bars. The windows shall be vertically sliding sash style. All windows and external doors shall have their frames set back a minimum of 60mm behind the face of the masonry, unless otherwise agreed in writing by the Local Planning Authority.

All works shall be carried out in accordance with the approved details.

Reason: To match the appearance of the next door property which has attractive features and to have fenestration that is in keeping with the design of the property and to accord with Policies DA1 and 2 of the Peterborough Local Plan (First Replacement).

Note:

1. Pursuant to condition X front elevation window dimensions shall precisely match the corresponding window dimensions at No. 13 St Paul's Road.

If the S106 has not been completed within 2 months of the date of this resolution without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason stated below:-

R1 A request has been made by the Local Planning Authority to secure a contribution towards infrastructure implications of the proposal however, no S106 Obligation has been completed and the proposal is therefore considered to be contrary to policy IMP1 of the Peterborough Local Plan (First Replacement).

Copy to Councillors Hussain, Khan, Fazal

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LOCATION PLAN 09/01186/R3FUL

Westwood Grange, Mayors Walk, West Town

Scale 1:2500 Date 11/1/2010 Name MKB Department Planning Services

PCC GIS



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09/01186/R3FUL: FLOODLIT ALL WEATHER SPORTS PITCH, IMPROVED LOCAL PLAY AREA AND CAR PARKING AT WESTWOOD GRANGE, MAYORS WALK, WEST TOWN, PETERBOROUGH

VALID: 2 NOVEMBER 2009

APPLICANT: PETERBOROUGH CITY COUNCIL

AGENT: BARKER STOREY MATTHEWS

REFERRED BY: HEAD OF PLANNING SERVICES

REASON: MAJOR APPLICATION

DEPARTURE: NO

CASE OFFICER: MISS L C LOVEGROVE

TELEPHONE: 01733 454439

E-MAIL: louise.lovegrove@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The application was deferred at the last Committee meeting (26th January 2010) as Members sought clarification with regards to the potential noise impact upon local residential properties and for details of any noise mitigation used on other all weather pitches. At the time of drafting the report the additional information had not yet been received. A written and verbal update will therefore be given at the meeting.

The main planning considerations in deciding the proposal are:

- Principle of development
- Sports pitch design and impact on visual amenity
- Impact on the amenity of neighbouring properties
- Highway implications and car parking
- Landscaping implications
- Flood risk

Notwithstanding the above list, Committee was clear that it was happy with the proposal, with the only area of concern being that of noise.

The Head of Planning Services recommends that the application is **APPROVED**.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

- T1 Transport Implications of New Development
- T2 Development Affecting Footpaths and Public Rights of Way
- T3 Accessibility to Development – Pedestrians and those with Mobility Difficulties
- T5 Accessibility to Development – Cyclists
- T7 Public Transport Accessibility to Development
- T8 Connections to the Existing Highway Network
- T9 Cycle Parking Requirements
- T10 Car and Motorcycle Parking Requirements
- T11 Motorists with Mobility Difficulties
- DA1 Townscape and Urban design

- DA2** The effect of Development on the Amenities and Character of an Area
- DA7** Design of the Built Environment for Full Accessibility
- DA11** Design for Security
- DA12** Light Pollution
- LNE9** Landscaping Implications of Development Proposals

National Planning Policies

Material Planning Considerations

- Planning Policy Statement 1 (*PPS1*) 'Delivering Sustainable Development' (2005)
- Planning Policy Guidance Note 13 (*PPG13*) 'Transport' (2001)
- Planning Policy Guidance 17 (*PPG17*) 'Planning for Open Space, Sport and Recreation' (1991)
- Planning Policy Guidance Note 24 (*PPG24*) 'Noise' (1994)
- Planning Policy Statement 25 (*PPS25*) 'Development and Flood Risk' (2006)

3 DESCRIPTION OF PROPOSAL

The application seeks planning permission for the construction of a new all weather floodlit sports pitch, relocated children's play area and associated car parking. The application scheme is similar to that which Members resolved to grant planning permission for as part of the outline application 07/01946/OUT. This outline application originally sought permission for residential development, an all weather floodlit sports pitch and associated car parking. However, due to changes in priority, Peterborough City Council is now seeking to construct the sports pitch, children's play area and car parking prior to the erection of the residential dwellings.

The proposed all weather pitch would be enclosed by 4.5m high steel mesh fencing and built to the specification of the Football Association for a '3rd generation' pitch. The lighting columns will stand at 14 metres in height and consist of three floodlighting lumieres angled at the horizontal. Access to the pitch itself would be gained directly from the existing changing rooms on the site.

The children's play area is proposed to be relocated from its existing position to the north east of the site and will provide more modern play equipment as well as a central seating area. The existing foot and cycle path which runs north south through the application site will be realigned and given a sinuous shape to connect the proposed new play facilities to the proposed residential development to the north east.

The proposal also seeks permission for a new 117 space car park which will formalise the parking arrangements for the site. It is proposed that a new access will be created to the north east of the site which will allow vehicular access through the proposed residential development and ultimately off the Atherstone Avenue roundabout. The current access from Mayors Walk is proposed to be retained on a temporary basis pending the approval and construction of the residential development.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is centrally located within an established residential area that comprises a mix of post war and modern residential dwellings. The character of the surrounding area is predominantly two storey houses with some single storey and three storey dwellings/flats. The site itself is bound to the north by two storey semi-detached properties (Ledbury Road) and to the east and south by detached residential dwellings (Grange Road and Thorpe Park Road respectively). To the east of the site is located the Westwood Grange Allotments which are accessed off Mayors Walk and to the north east by the vacant parcel of land which was recently granted outline planning permission for residential development under application reference 07/01946/OUT.

The application site includes seven grass football pitches and is managed by Netherton Football Association and is in the ownership of Peterborough City Council. There are existing facilities including an informal parking area, children's play area, changing rooms and pavilion. Access is currently granted from Mayors Walk and is shared by pedestrians and vehicles.

In July of 1992 approximately 2.5ha of land to the north-east of the application site was declared surplus by the Leisure Services Committee. The land was subsequently designated for residential use within the PCC Local Plan (First Replacement) 2005.

The Council decided to reopen the surplus land and by way of consolidation and relocation create a well defined and more manageable allotment area. Statutory notices were served on the existing plot holders with compensation being paid and relocation to the newly reconditioned plots on the former surplus lands or to other sites to those that wanted to continue. The Council in consultation with plot representatives, has carried out various improvements to the new allotment area taking into account the relocation of plot holders, future allotment use and the current waiting list.

A new boundary fence delineating the 'new' allotment site has been erected and other enhancements include DDA accessibility and plot provision, new access roadways, car parking, composting areas and on site secure storage. This new boundary fence forms the eastern boundary of the application site.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
07/01946/OUT	Residential development	05.01.10	PER

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport & Engineering – No objection to amended plans. Recommends conditions relating to full details of access and construction vehicle cleaning equipment.

Environmental Protection Officer – Lighting should meet the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light. With regards to noise, there is no standard to which comparison may be made with regard to spectator or participating sports persons for the purpose of setting decibel level limits. If an arbitrary figure is set in comparison to background levels, Leq, L90 and L10, it will be a matter of opinion as to whether this arbitrary level will be acceptable. Also, given the nature of the anticipated noise, impact events are those which are most likely to cause concern. Such events have no recognised noise limits for control and cannot be adequately controlled by time based noise limits. In such circumstances where the Local Authority is minded to grant consent for the application, hours of use should be considered to minimise the impact of such noise levels.

Rights of Way Officer – No objections to the proposal.

Landscape Officer – No objections to the proposal. None of the trees on site are worthy of a Tree Preservation Order.

Drainage Engineer – No objection. No reported land drainage concerns within the area and do not foresee any major flood risks as a result of implementation of the all weather sports pitch and associated works.

EXTERNAL

Cambridgeshire Police No objections subject to sufficient regarding lighting, fencing and landscaping will. Requests the provision of CCTV and details of any entrance barrier to be used.

Sport England No objections subject to imposition of a condition requiring the associated sports use being available for community use.

Environment Agency No objection.

NEIGHBOURS

First consultation – 11 letters were received (9 in objection and 2 stating no objections to the principle of development, but associated concerns). The objections to the proposal were based on the following grounds:

- Poor/inadequate access would generate traffic and highway safety problems along Thorpe Park Road/Mayor's Walk
- Increased traffic generation
- No need for the children's play area to be moved
- Affect on trees and wildlife
- Proposed acoustic fence would prevent access from the gardens of properties along Thorpe Park Road
- Impact on views from rear gardens
- Increased risk of flooding as The Grange is a flood plain
- Inadequate parking levels proposed
- Concern that the AWP would not be for public use and would exclude all user groups
- Light spillage causing a nuisance
- Noise impact
- Public disorder issues due to the extension of operation hours into the evening
- Loss of green playing field space

Second consultation – 7 further letters were received from earlier objectors. No new issues were raised.

COUNCILLORS

No comments received.

7 REASONING

a) Principle of development

Planning Policy Guidance 17 'Planning for Open Space, Sport and Recreation', requires that when development of playing fields is proposed, and no robust assessment of need has been provided, development should not be allowed unless the proposal is for an outdoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field. In this instance, the proposal only seeks the loss of one of seven grass playing fields within The Grange and will be replaced with a modern 'third generation' all weather football pitch (AWP). The pitch is seen as a priority need for the wider city by the Football Association and Peterborough City Council by allowing sporting activities on the site to continue throughout the year and at evenings which is currently not possible.

It is proposed by Netherton Football Club who currently manage the playing fields, that the development of the new AWP will enhance the capacity of the football club to provide additional coaching capacity and consolidate this function at one location. In addition, it seeks to provide a centre for coaching and refereeing within the city and will be available for training purposes.

In addition, Sport England has not raised any objection to the proposal, on the basis that a condition be applied to any approval requiring the submission of a Community Use Plan relating to the community use of the pitch outside of season. Sport England has examined the proposal against their own exception policy E5 which seeks to prevent the loss of playing fields to development. It has however been concluded that subject to the AWP being built in accordance with guidance set out by the Football Association, the proposed facilities will be of benefit to the wider provision of sports facilities throughout Peterborough and as such is acceptable.

On balance, whilst the loss of an open grass playing field is not desirable, the introduction of a new 'third generation' AWP will generate significant benefits not only to Netherton Football Club, but the wider community.

It will provide facilities that can be used to engage the wider community in sports and will consolidate coaching and refereeing facilities throughout the city area. As such, the principle of development is acceptable.

b) Sports pitch design and impact on visual amenity

The AWP is proposed to be located to the south of the site and replaces one of the existing adult grass pitches that are laid out on the site. The AWP is proposed to be located directly adjacent to the existing changing room facilities in accordance with guidance set out by the Football Association. It is proposed that in line with this guidance, a fenced forecourt area will be provided between the changing rooms and AWP which will be for the purpose of team collection prior to accessing the pitch and is required to prevent contamination of the surface and to assist in management and maintenance.

The AWP itself is proposed to be enclosed by 4.5 metre high metal mesh fencing and the applicant has provided an example of the type of fencing in the submitted Design and Access Statement. The materials to be used are similar in appearance to those recently installed at John Fisher School. The six lighting columns will stand at each corner of the pitch with two either side of the halfway line.

It is acknowledged that these lighting columns and the 4.5 metre high fencing will be a prominent feature within the site and visible from all areas. At present, The Grange is a large area of open grassland and the construction of the AWP will appear visually prominent from all aspects, as well as from the residential properties surrounding. However, it is considered that the design of the pitch and its prominence is to be expected from a sporting facility. The lighting columns, whilst taller than the surrounding built form and visible from much of the area, will not appear unduly obtrusive within the streetscene and as such, will not detract from the visual amenity of the locality. Their appearance will be shielded from much of the surrounding residential area by the existing landscaping and much of the open space of The Grange will be retained.

With regards to the pitch, the distance from the nearest residential dwellings will stand at approximately 40 metres and as such, will not appear unduly prominent to occupants. The impact of the 4.5 metre fencing can be mitigated along the boundary of the site with Thorpe Park Road/Mayors Walk by boundary planting and soft landscaping.

c) Impact on the amenity of neighbouring properties

Noise impact

A Noise Assessment Report has been submitted as part of the application submission and provides details of ambient noise levels without football activities, during a match played on a grass pitch to the north of the proposed location and also at a similar type of AWP located at Bushfields Sports Centre. The report indicates that without football activities, noise levels at Ledbury Road and Thorpe Park Road between 20.00-22.00 hours averaged at 48.7 and 48.3dB LAeq,T respectively due to the distant road traffic noise. Noise levels were also measured during a match played on one of the grass pitches to the centre of the site between 18.35 and 20.10. These have shown that the noise levels 10 metres from the pitch were 54.7dB and at 85m 52dB. In comparison, the levels measured during a football game at the Bushfields Sports Centre AWP show that between 20.05 and 20.50 the average noise levels 10 metres from the pitch were 55.8dB and at 40 metres 49.4dB.

The properties along Thorpe Park Road/Mayors Walk are those which most closely relate to the proposed AWP and are located approximately 30-40 metres from the side of the proposed pitch. The report concludes that the AWP in use until 22.00 would represent a only small increase of 3.4dB to the neighbouring properties. This increase falls within a range that would not be readily discernable to surrounding residents and these measurements relate to the overall noise impact felt upon the neighbouring properties. However, it will be the incidences of high impact noise such as referee's whistles, players shouting and balls hitting the metal fencing that will be of greatest concern to surrounding residential properties. The applicant is currently revising the contents of the Noise Assessment Report and will provide a non-technical summary of this for Members in order to try and allay the concerns which led to the deferral of the application. Details of this document will be provided in the Update Report to Members.

The proposed use of the pitch is to be extended beyond the existing hours of operation (currently until nightfall) to 22.00 hours. It is considered that this would result in disturbance to surrounding residential properties, namely those along Thorpe Park Road and Mayor's Walk during times at which they would normally benefit from a quiet and peaceful environment.

As such, it is considered appropriate that in order to mitigate against any significant detrimental impact, the hours of use for sporting activities be restricted to 20.10 hours during weekends and bank holidays. This time is considered appropriate for a sporting facility of this type within a residential area and will ensure that surrounding residential properties retain their amenity into the evenings. As a result of the reasons for deferral of the application by members at the previous Committee, the applicant is compiling details of other all weather sports pitches located within residential areas in the Peterborough area in terms of the noise impact that these have upon residential amenity and any noise mitigation works that have been carried out. It is anticipated that this information will be provided to Members in the Update Report.

As detailed previously, the application scheme has proposed a 2 metre high acoustic boundary fence along the boundaries with residential properties along Thorpe Park Road and Mayor's Walk. It was raised at a recently held public meeting that local residents do not want the acoustic fence as it would prevent access from the properties that has been enjoyed for over 30 years. Whilst it is acknowledged that these accesses are unauthorised, it is considered that the amenity impact upon imposing such a fence would be significant to the surrounding residents. As such, and in line with the wishes of local resident, it is proposed to remove this fence from the proposal as it will not generate a significant reduction in the noise impacts felt to surrounding residents. In the event that reasonable complaints of noise are received, noise mitigation measures can be implemented. As stated above, the applicant is to provide details of other noise mitigation measures in place at other all weather pitches and details of these will be provided in the Update Report to Members,

Light spillage and intrusion

It is proposed that the lighting columns, at a height of 14 metres, will have the lumieres set to horizontal in order to prevent outward light spillage to the surrounding area. Whilst it is acknowledged that the lights will be powerful (300 Lux), the applicant has provided a light spillage diagram with indicative lighting levels spilling out of the site. This diagram clearly shows that some spillage will occur as a result of the proposals and this is to be expected. However, the diagram shows that the level of lighting that will reach neighbouring residential properties will be limited to only 1 Lux. This level is in line with the Institute of British Lighting engineers Guidance for light intrusion into residential properties. The area is considered to fall within category E2 (dark urban areas) as at present, the area of The Grange is unlit but has some sky glow by virtue of the street lighting to the residential area. The ILE guidelines clearly state that in this type of area light trespass into windows should be limited to 5 Lux pre-curfew (23.00) and post-curfew to 1 Lux. Therefore, it is anticipated that the impact from the floodlights will be minimal.

The applicant has stated that cowls and shields can be fitted to the lumieres in order to prevent backwards and other light spillage and this is stated in the Lighting Assessment Report submitted as part of the application. Whilst the lighting as proposed would not significantly impact upon the amenity of surrounding residents, it is considered that the imposition of a condition requiring cowls and shields to be fitted would further mitigate against any unnecessary and preventable spillage. Furthermore, the floodlights would be conditioned in order to prevent their usage beyond 20.30 hours. Whilst the use of the pitch for sporting activities is to be restricted to 20.10 hours for security reasons it is necessary to ensure that the floodlights are permitted to stay on up to 20 minutes after activities cease. This is before the standard curfew of 23.00 hours as set out in the ILE Guidance.

d) Highway implications and car parking

Car parking

It was originally proposed that the application scheme would provide car parking for 86 vehicles of which 2 would be available for disabled users. Following neighbour consultation and assessment as part of the Transport Statement this has now been increased to 101 including 2 disabled spaces.

It is considered that this level of car parking will reasonably accommodate the demand generated at weekends and evenings as a result of the AWP and will provide sufficient capacity when all pitches on the site are in use. The formalised arrangements will be a significant improvement to the current parking facilities.

With regards to coach and mini bus parking, these are not currently accommodated on the application site and the proposal does not make provision for such facilities. It is proposed that the existing arrangement where players and spectators are dropped off at the site and collected later will continue.

Trip generation

The applicant has now submitted a Transport Statement following a request from the Transport and Engineering Officer. This is currently out to consultation and full comments from the Transport and Engineering team will be provided in the update to Members. It is anticipated that Saturdays and Sundays will be the most busy as these are traditionally when most organised match games are played.

On these days and based on the number of cars visiting the site, vehicle movements range between 35 to 90 dependent on timing, weather conditions and whether matches are at home or away.

Access

Significant concern has been raised from neighbouring residents regarding the inadequacy of the access to the site and the delay in completion of the scheme with regards to the proposed new access through the new residential development to the north. The Council's Transport and Engineering Department has raised similar concerns with regards to the use of the existing access for construction traffic and the potential for conflict between vehicles and pedestrians. It has been suggested that a separate construction access be created further to the east along Mayor's Walk which will provide access through the allotments to the east of the site. Following discussion with the applicant, it has become clear that this is an unviable option as it would involve disruption to several of the retained allotment plots during the construction period. The applicant has provided further details of implementation of the proposed temporary access which involves the separation of pedestrians and vehicular traffic through the use of fencing and the widening of the existing vehicular entrance. It is considered that this will significantly improve the safety during the construction period and the widened access will be able to accommodate the proposed trip generation. These details are currently out to consultation with the Transport and Engineering Department and further comments received will be provided to Members in the Update Report.

However, a condition is to be imposed that will require full details of the widening of the access to be submitted to and approved by the Local Planning Authority prior to commencement of development. Further to this, details regarding the integration of the temporary access with the proposed car park will need to be provided. These measures will ensure that during the period between the implementation of the AWP and the construction of the permanent access through the new residential development to the north, highway and pedestrian safety will be maintained and impacts on surrounding residential areas as a result of traffic movement will be mitigated.

Construction Management

Concern has been raised from local residents regarding construction vehicle movement into and out of the application site. As part of the submitted Transport Statement, the applicant has provided outline details with regards to the management of construction traffic. Furthermore, the revised access drawings submitted and out to consultation currently detail how construction traffic and pedestrian movements will be separated. These drawings show how the existing access can accommodate the required construction traffic and comments from the Transport and Engineering Department will be provided to Members in the Update Report. Further to this, a condition will be imposed requiring a full Construction Management Plan to be submitted and approved by the Local Planning Authority prior to commencement of any development. This will ensure that the LPA has control over the construction methods implemented in order that they impact upon the existing highway network and residential properties as little as possible.

e) **Landscaping implications**

There have been no detailed proposals submitted as part of the application with regards to the landscaping of the site. It is considered that this can be adequately dealt with by condition, requiring the applicant to provide full details of landscaping proposals and planting schedules. Landscaping will be an important element of the scheme which will serve to soften the hard appearance of the proposals and assist in assimilating the children's play area and car park with its surroundings. At present, there is little soft landscaping to the existing children's play area, car park, playing rooms and pavilion.

In addition, the Landscape Officer has not raised any objections to the proposal. Whilst the trees on the site are of a local benefit to the visual amenity of the site, none are worthy of a Tree Protection Order. The scheme proposes the removal of one no. Cherry Tree and a small group of Ash Trees. Whilst the loss of trees is not desirable, any landscaping scheme can include their replacement within the site.

f) **Flood risk**

Following comments received from the City Council's Drainage Engineer and the Environment Agency, no objections have been raised with regards to the proposal. The application site does not fall within a functional floodplain and there have been no reported land drainage concerns within the area. Following tests recently carried out through the use of bore holes in respect of the recently approved housing application (07/01946/OUT), the soil sub strata is composed of well drained limestone to a depth of approximately 2 metres and as such, any surface water run off should drain away adequately. It is acknowledged that after heavy persistent rainfall, the water table may rise giving less storage capacity and local isolated ground saturation may occur. However, this situation is common in many areas of open space and tends to disperse quickly. As such, it is not anticipated that any major flood risks will occur as a result of the implementation of the AWP and associated car parking.

8 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- The AWP will contribute towards the provision of sporting facilities within the city area
- There will be no detrimental impact on the amenities of neighbouring residential or retail properties
- There will be no unacceptable impact on the character or appearance of the area
- There will be no unacceptable impact upon the highway network or highway safety.

The proposed development is therefore in keeping with Policies T1, T2, T8, DA1, DA2, DA12 and LNE9 of the Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

The Head of Planning Services recommends that this application is APPROVED subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

C2 The approved floodlights shall not be used between the following curfew times: 22.00 and 08.00 Monday to Friday or between 20.30 and 08.00 on Saturdays, Sundays or Bank Holidays and use of the pitch shall stop 20 minutes before the curfew time commencing.
Reason: In the interests of amenity in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

- C3** Development shall not commence until a scheme for the improvement of the vehicular, pedestrian and cycle access from Mayor's Walk to the car park has been constructed in accordance with details submitted to and approved in writing by the Local Planning Authority and shall be retained until such time as:
- a) it is replaced by an alternative access through the land edged in blue on drawing 132-B 101 Rev 07.
 - b) the vehicular access is stopped up in accordance with a scheme to be submitted to and approved by the local planning authority
- Reason: In the interests of Highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).
- C4** The approved sports pitch shall not come into use until the approved car park (as may be amended by condition) is completed (including in terms of drainage and materials as specified in the Design and Access Statement) and the car park shall be retained for the purpose of car parking thereafter.
- Reason: In the interest of Highway safety, in accordance with Policies T7, T9 and T10 of the Peterborough Local Plan (First Replacement).
- C5** The use of the sports pitch shall not be commenced until space has been laid out within the site for 20 number bicycles to be parked, in accordance with details submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of cycles.
- Reason: In order to promote sustainable modes of transport, in accordance with Policies T7 and T9 of the Peterborough Local Plan (First Replacement).
- C6** Prior to the commencement of development or other such time as may be agreed in writing by the Local Planning Authority, details of the hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the following elements:-
- i) a landscape maintenance schedule;
 - ii) planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, plant sizes and densities;
 - iii) all means of enclosure (that to the approved sports pitch shall accord with the specification given in the Design and Access Statement);
- The soft landscaping shall be undertaken in accordance with the approved details no later than the end of the first planting season following first occupation of the development, unless otherwise agreed in writing with the Local Planning Authority.
- Reason: To ensure that the development is landscaped in the interests of the visual character and appearance of the area, in accordance with policies DA2, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).
- C7** If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place in accordance with the provisions of the approved landscape management plan, unless otherwise agreed in writing with the Local Planning Authority.
- Reason: To ensure the satisfactory implementation of the landscaping scheme, in accordance with policies DA2, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).
- C8** Details of the lighting to the car parking area and footpath shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details and provided prior to the car park being brought into use.

Reason: In the interests of community safety and in order to protect and safeguard the amenity of the area, in accordance with Policies DA11 and DA12 of the Peterborough Local Plan (First Replacement) 2005.

C9 The sports pitch flood lighting shall accord with the specification given in the Design and Access Statement and the approved light spill plan.

Reason: In order to protect the amenity of surrounding residents in accordance with Policies DA2 and DA12 of the Peterborough Local Plan (First Replacement).

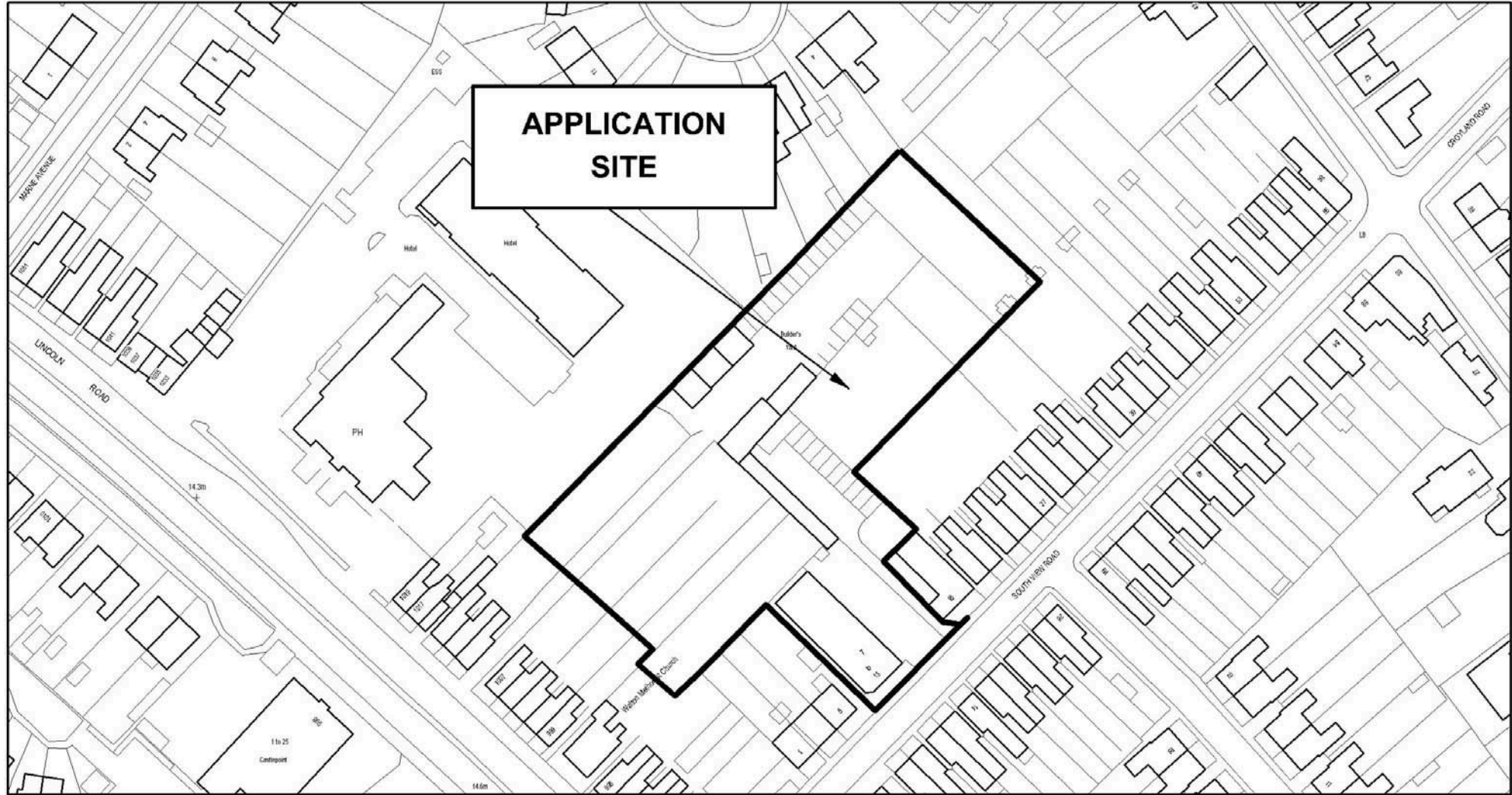
C10 Before development commences, a Construction Management Statement shall be prepared which will set out the timescale for development, measures to secure the minimum of disturbance to the existing open space and surrounding residential properties whilst construction is underway, and temporary facilities clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. The statement will include the provision for site cleaning and measures to ensure that no mud or other detritus is deposited on the footpath or the adjoining public carriageway, including a specification and position for operational vehicle cleaning equipment. Development shall not take place other than in complete accordance with the approved statement.

Reason: In the interests of Highway safety, in accordance with Policy T19 of the Peterborough Local Plan (First Replacement).

C11 The use of the sports pitch shall not be commenced until a Community Use Scheme has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport in accordance with Policy LT10.

Copy to Councillors SJ Dalton, MJ Dalton, Arculus



LOCATION PLAN 09/01358/FUL

Land To The Rear Of 1 - 43 South View Road and to the rear of 997 - 1013 Lincoln Road, Peterborough

Scale 1:1250	Date 11/2/2010	Name MKB	Department Planning Services
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PCC GIS



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09/01358/FUL: CONSTRUCTION OF 16 X 2 BED HOUSE, 6 X 3 BED HOUSES AND 18 X 2 BED FLATS IN 2 BLOCKS, WITH ASSOCIATED INFRASTRUCTURE AT LAND TO THE REAR OF 1 - 43 SOUTH VIEW ROAD AND TO THE REAR OF 997 - 1013 LINCOLN ROAD, PETERBOROUGH

VALID: 02 DECEMBER 2009

APPLICANT: LONGHURST HOMES

AGENT: LARKFLEET HOMES

REFERRED BY: CLLR NICK SANDFORD

REASON: LOSS OF RESIDENTIAL AMENITY FOR NEIGHBOURING PROPERTIES BY OVERLOOKING AND ADDITIONAL TRAFFIC ONTO SOUTHVIEW ROAD WHICH IS ALREADY BUSY AND CONGESTED WITH PARKED CARS

DEPARTURE: NO

CASE OFFICER: MRS JANET MACLENNAN

TELEPHONE: 01733 454438

E-MAIL: janet.maclennan@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Whether the principle of development is acceptable
- Impact on character and visual amenity of the area
- Impact on neighbouring residential amenity
- Traffic implications

The Head of Planning Services recommends that, subject to a S106 Agreement, the application is APPROVED

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Key policies highlighted below.

The Peterborough Local Plan (First Replacement)

- DA1 Townscape and Urban Design** - Seeks development that is compatible with or improves its surroundings, creates or reinforces a sense of place and would not have an adverse visual impact.
- DA2 The effect of a development on the amenities and character of an area** – Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.
- DA11 Design for security** - Planning permission will not be granted for a development unless vulnerability to crime has been satisfactorily addressed in the design, location and layout of the proposal.

- H7 Housing development on unallocated sites** - Housing development on unallocated sites should make efficient use of the site and respect the character of the surrounding area.
- H15 Residential Density** - Seeks the Highest residential density compatible with the character of an area, the living conditions of local residents, that is of good standard of design and that provides open space.
- H16 Residential design and amenity** - Seeks residential development if the following amenities are provided to a satisfactory standard; daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.
- H21 Affordable Housing** - Seeks to secure 30% affordable housing provision for urban sites of more than 25 dwellings or 1 hectare; and village sites of 15 dwellings or 0.5 hectares.
- IMP1 Securing satisfactory development** - Planning permission will not be granted for any development unless provision is secured for all additional infrastructure, services, community facilities, and environmental protection measures, which are necessary as a direct consequence of the development.
- LNE9 Landscaping implications of development proposals** - Seeks retention and protection of trees and other natural features that make a positive contribution to an area; and adequate provision of landscaping of sites.
- LNE10 Detailed elements of landscaping schemes** - Seeks provision of a landscaping scheme suitable for the development, which should include where appropriate, the retention of landscape or ecological features, suitable new planting, protection and management of scheme, provision for natural ecological regeneration and the completion of planting by first occupation or development completion, whichever is sooner.
- LNE19 Protection of species** - Permission will not be granted for developments that would cause demonstrable harm to legally protected species. Where it is granted conditions or an obligation will be sought to help protect or relocate the population.
- LT1 Open space in new residential development** - Seeks provision of open space for developments of 9 or more dwellings.
- LT2 Off-site contributions towards the provision of open space for new residential development** - Permission for developments of 9 or more dwellings will be granted if the developer has first entered into an obligation to make a financial contribution towards open space needs if the development site is too small or needs could be more appropriately met off-site.
- T1 Transport implications of new development** - Seeks development that would provide safe and convenient access to site and would not result in an adverse impact on the public highway.
- T8 Connection to the existing Highway network** - Seeks development where vehicular access is on to a highway whose design and function is appropriate for the level and type of vehicular traffic likely to be generated.
- T9 Cycle parking requirements** - Seeks provision of high quality off-street cycle provision in accordance with approved standards.
- T10 Car and motorcycle parking requirements** - Planning permission will only be granted for development outside the city centre if it is in accordance with approved parking standards.

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below:

Peterborough Housing Strategy: 2008 - 2011
Planning Policy Statement (PPS) 3: Housing

ODPM Circular 05/2005 "Planning Obligations". Amongst other factors, the Secretary of State's policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning;
- ii) necessary to make the proposed development acceptable in planning terms;
- iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- iv) fairly and reasonably related in scale and kind to the proposed development;
- v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

3 DESCRIPTION OF PROPOSAL

The application seeks permission for the construction of 16 x 2 bed and 6 x 3 bed two storey houses with amenity areas provided in the form of terraces above car ports; and 18 x 2 bed flats in 2 three storey blocks with parking and open space. Access to the development is off South View Road. This is a revised application to a previous planning consent ref. 08/01613/FUL which seeks alterations to elevations and roof design.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is approximately 0.66ha and is a vacant brownfield site comprising a collection of garden land and garage blocks and in part was formerly occupied by commercial/industrial property. The garages are mostly redundant. The site is enclosed to the south, west, east and north east by residential properties, predominantly two storey terraced and to the north west by the Paul Pry Public House and Premier Inn (hotel).

5 PLANNING HISTORY

Application Number	Description	Date	Decision
09/01050/FUL	Construction of 2, 3 bed dwellings	03.12.2009	PER
08/01613/FUL	Erection of 40 dwellings and associated infrastructure	30.06.2009	PER
08/00440/REM	Residential development comprising of 42 dwellings	25.06.2008	PER
06/01242/OUT	Residential Development	20.12.2007	WDN
04/01864/OUT	Residential Development	08.04.2005	PER

INTERNAL**Head of Transport & Engineering:**

No objection in principle subject to the following being addressed [note that the points marked * are only relevant if the internal roads were to be adopted, which is not going to be the case. The points therefore can be disregarded] :

- a) Whilst adequate visibility splays are achievable at the access with South View Road some small revisions to the exact design are required to reflect the internal roads will be private rather than adopted
- b) Confirmation via submission of tracking plans required to demonstrate adequate turning for refuse and emergency service vehicles [Planning Officer comment – This information is awaited]
- c) * The off road parking space for Plots 2 and 3 that are parallel and adjacent to the footway should be re-orientated so that they are at 90 degrees to the footway [Planning Officer comment – This was a feature of the extant permission and should be retained so no change is proposed]
- d) * The access to Plots 4,5 and 6 is insufficient for a refuse vehicle to enter and turn around [Planning Officer comment - This was a feature of the extant permission and should be retained so no change is proposed. It would be inappropriate for a refuse vehicle to entre this space or to require space to be made for it]
- e) The dropped kerb to plot 1 should be increased to 2.5m [Planning Officer comment – This would be an automatic requirement for the provision of the dropped kerb and does not need to be duplicated by the planning permission]
- f) * The location of the car port for Plot 7 as it reduces the width of the access to 4m [Planning Officer comment – This was a feature of the extant permission and should be retained so no change is proposed. The access serves only 5 properties and it is considered that there would not be a significant problem arising from vehicle to vehicle meets at this point]
- g) * There is not sufficient turning area in the vicinity of plot 4 for vehicles to turn and leave this part of the site in forward gear [Planning Officer Comment – The turning area appears to be no more constrained than that for Plot 5 so change is proposed]
- h) * All accesses to parking courts require vehicle-to-pedestrian visibility splays and proposed landscaping should not be positioned in the splay areas [Planning Officer Comment – Whilst they have not been drawn on the plan they appear satisfactory with the exception that some of the indicative tree planting may partially block some splays. It is not considered that this is significantly detrimental to highway safety.

Strategic Housing: All of these units will be affordable housing as with the previous consent. There are no objections to the application. The Longhurst & Havelock Homes Group has received a funding allocation from the Homes & Communities Agency and to enable them to meet the funding requirements they need to start on site in January 2010.

Recreation: The development will give rise to a contribution for off-site open space provision.

EXTERNAL

Anglian Water: Informative statements provided.

Historic Environment Officer: Prehistoric Roman and medieval finds are known from the surrounding area. Furthermore the site is located near the c. 1900 Methodist Chapel (potential for burials). Recommends PPG16 Condition.

NEIGHBOURS

Letters of objection have been received from 7 local residents raising the following issues:

- overlooking to gardens of 1-5 South View Road; does not comply with policy H15
- Impact of a additional traffic on South View Road
- Concern regarding traffic connecting to Lincoln Road
- Loss of privacy to properties in Carleton Crest – will brick wall to rear of garages be retained?

- Loss of trees which provide privacy and screening
- The proposed exit/entrance to this area would lead to even more reduced parking in an already over capacity street.
- There are several ancient self seeding trees in the area, a further reduction in wildlife would be completely unacceptable
- The development will prejudice the proposed extension to Premier Inn
- There are several trees that would be affected by the proposed development. There is not sufficient separation distance from the block of flats to the Sycamore tree in the neighbouring site.
- The outside seating area of the public house lies adjacent to the western boundary of the proposed residential development which could impact on the amenity of future occupiers of flats.
- The proximity of the residential development being so close to the Premier Inn site boundary could impact upon the operation the public house and hotel.

COUNCILLORS

Cllr Nick Sandford has referred the application to Committee due to concerns regarding potential loss of residential amenity for neighbouring properties by way of overlooking and also the additional traffic which will be put onto South View Road which is already busy and congested with parked cars.

7 REASONING

a) Introduction

This is a resubmission of a previously approved scheme for 40 residential units comprising dwellings/flats (08/01613/FUL) and is subsequent to planning approvals at outline stage. The differences between this and the June 2009 approval are primarily changes to the detailed design of the elevations roof designs of the dwellings rather than changes to the layout and footprint which remains the same as the extant consent.

b) Principle of Development

This is an unallocated/Brownfield site with an extant planning consent, thus the principle of residential development on this site is already established. The site lies within a sustainable location, close to a primary transport route and to the Local Centre on Lincoln Road and is considered to provide an efficient and effective use of land in accordance with policy H7 of the Adopted Peterborough Local Plan (First Replacement) and PPS 3.

c) Impact on Surrounding Character

The surrounding character is one of two storey terraced development. The scheme is set to the rear of the traditional urban form and is considered to be a stand alone development. The scheme incorporates an innovative design philosophy providing an amenity area in the form of a terrace above the car port. The living arrangements are therefore reconfigured providing the bedrooms on the ground floor and living rooms on the first floor with access to the terrace area. The scheme has achieved a density that is approximately 59 dwellings per hectare and it is considered that the layout and scale does not compromise the quality of the surrounding environment. Indeed it is considered that the development will enhance the existing setting and offer townscape improvements to the local vernacular. The proposal therefore accords with policies DA1, DA2 and H15 of the Adopted Peterborough Local Plan (First Replacement).

d) Design and Visual Amenity

The application primarily, proposed changes to the front elevations and roof design of the two storey dwellings. The previous dwelling types had a quasi 'art deco' style to the elevations and the elevations have been simplified and incorporate a mono pitched roof design, typical of more contemporary and modern developments. There has been an increase in roof height of the proposed dwellings to a maximum 6.75m and a minimum 5.4m. The height of the apartment blocks is 10m which is unchanged from the extant consent. Given the siting of the development to the rear of Lincoln Road/South View Road most of scheme will not be directly visible from any public vantage points. The development has a contemporary design and will have a modern appearance and will meet the requirements for the Code for Sustainable Homes Level 3 incorporating solar panels to be fitted to roofs or air-source heat exchangers.

The details of materials are to be agreed and an appropriate condition shall be appended to any grant of consent. It is considered that the design of the scheme is sympathetic to the surrounding character and will not result in an adverse visual impact and therefore accords with policy DA1 of the Adopted Peterborough Local Plan (First Replacement).

e) Residential Amenity

There is adequate separation distance from the development to the adjacent neighbouring properties and attention has been given to the potential for overlooking and loss of privacy. The majority of the dwellings have no first floor rear windows and where there are first floor windows they will not give rise to any direct overlooking. The roof terraces, where they are adjacent to the gardens of existing properties will have a 1.7m high solid enclosure so as to prevent overlooking.

Objections have been received from neighbouring properties in South View Road regarding overlooking from the front elevations of plots 4 to 6. The windows of these plots are large and incorporate Juliet balconies and are considered inappropriate. The applicant has agreed to amend them to a smaller design and these will be shown to the Committee. There is a back to back separation distance of approximately 31m from the plots to the adjacent residential properties which is considered adequate to avoid direct overlooking with the reduced window size. It is also considered appropriate that extra heavy standard trees are planted adjacent to the rear boundary of number 3 South View Road to help screen the development and to replace recently felled trees.

Objections have also been received on behalf of the Paul Pry Public House and the Premier Inn raising concerns regarding the relationship of the outside seating area to the Public House and the potential for complaints of noise from the future occupiers of the apartment blocks. It is considered however, that there is adequate separation distance to the apartments and that there are numerous examples of similar relationships between residential properties and the gardens to public houses and this should not be a constraint to the development. The objector has indicated that there is likely to be a future extension to the Premier Inn hotel and does not wish this scheme to be compromised. It is not considered that the housing scheme before committee does compromise the principle of an extension and its design and configuration would simply need to be mindful of this application and the extant planning consent. It is considered that the proposal will not result in any unacceptable impact on the residential amenity of adjacent neighbouring properties and accords with policy DA2 of the Peterborough Local Plan (First Replacement).

All of the proposed dwellings and apartments provide an adequate level of amenity for the future occupiers and the layout and aspect of the development achieve a satisfactory standard. An outdoor amenity space is available for each dwelling in the form of a first floor terrace and an area of on-site open space will serve the apartment blocks. The proposal accords with the provisions of policy H16 of the Adopted Peterborough Local Plan (First Replacement).

f) Highway Implications

Concerns have been raised by local residents regarding the increase in traffic and impact on South View Road and Lincoln Road. The highway implications resulting from the development have already been considered and deemed acceptable under the previous planning consents. It is likely that the proposed use of the site will not result in any further increase in traffic than would have existing when the site had a commercial use. One of the benefits of the application is the rear access for properties on South View Road thus providing the potential of reducing on street parking and subsequent highway implications. The correct standard of visibility splays are achievable at the access with South View Road though some small alterations to the exact junction design are needed.

Whilst the access road within the site will not be adopted, the junction with South View Road will be constructed to the required highway standard.

Parking provision is provided for all dwellings and apartments with some visitor parking spaces. Some plots do not accord with the recommended parking standards within the development plan however, these are maximum standards and given that the site is within a few minutes walk of a bus route with a frequent service this is considered acceptable.

Satisfactory provision is made for on site parking and cycle parking provision and there is no evidence to suggest that the development will lead to an increase in congestion or a reduction in highway safety. Consequently it is considered that the proposal accords with policies T1 and T10 of the Adopted Peterborough Local Plan (First Replacement).

g) Affordable homes

The proposal is an affordable scheme and therefore accords with policy H21 of the Peterborough Local Plan (First Replacement), the Regional Spatial Strategy (35%) and the Peterborough Core Strategy Proposed submission. The scheme will deliver at least 70% social rented units and therefore meets the requirements of the Housing Strategy 2008-11 which seeks to achieve a 70/30 tenure split in favour of social rented units. All units comply with the Homes & Communities Agency's Design & Quality standards and will meet Code for Sustainable Homes Level 3. Both of these standards are required to be met to secure grant funding from Homes and Communities Agency (HCA). Grant funding has already been awarded to Longhurst Group for these units.

h) Landscape implications

A tree survey was carried out in March 2008 which concluded that trees within the site namely Sycamore, Ash, Cypress and Poplar were not worthy of retention and it would be more beneficial to the amenity of the area to fell the trees and provide a suitable replanting scheme. One tree is to be retained within the site and will be located within an area proposed as open space. At the time of the site visit it was observed that two trees had been felled outside the rear boundary of number 3 South View Road. Trees in this position would provide screening for the new development, thereby enhancing the amenity of the occupiers of this property and as noted in paragraph e) above conditions shall be appended to any grant of consent to ensure that these trees are replaced. Indicative details of planting have been provided on the site plan ref. 188-PL02 rev C however a landscaping scheme will be required and shall be secured by a condition. The landscaping scheme will also ensure that appropriate tree species are chosen to ensure adequate visibility splays to driveways are achieved.

Notwithstanding the conclusions of the tree survey there are a group of trees to the north west of the site and outside the site boundary which are protected by a Tree Preservation Order (TPO). No information has been submitted as part of the application detailing tree protection measures and the applicant has been advised to submit this information which is awaited. Whilst a verbal update will be given at the meeting, it is considered that the development will not in principle compromise the TPO. All tree protection measures for on and off site trees that are to be retained will be secured by condition.

i) Ecological Implications

A Habitat Survey, Protected Species and desktop study was undertaken in October 2008. The report concluded that there were no features found on site that were considered valuable to bats and no evidence of roosting bats was observed. No evidence was found of Badgers or Dormice. There are areas within the site with the potential for nesting birds but no activity was observed on site. An informative shall be appended to any grant of consent advising that wild birds are protected under the Wildlife and Countryside Act 1981. The report did highlight that due to the derelict nature of the site, together with bare ground for scrub vegetation, there could be the potential for Common Lizard and Slow Worms and a reptile survey was recommended. A reptile survey was undertaken in October 2008. No reptiles were recorded on site and therefore no adverse impact on reptiles is anticipated as a result of the proposed works. An informative will be appended to any grant of consent advising the applicant that should any reptiles be discovered on site that they should not be deliberately harmed. The proposal therefore accord with policy LNE19 of the Adopted Peterborough Local Plan (First Replacement).

j) Vulnerability to crime

The Police Architectural Liaison Officer has been consulted on the application. At the time of writing the report no comments have been received however given the minor revisions to the previous consent the comments received for the previous application remain pertinent to this application. It is considered that in general most homes are provided with the required level of natural surveillance. The Police Architectural Liaison Officer will be consulted when details are submitted regarding boundary treatments and lighting.

k) Open space

An area of approximately 550m of on site open space is provided within the development. The development would give rise to an off-site contribution towards open space provision. However, the contribution would make the development of the site unviable and negotiations have been entered into with the Local Planning Authority and this is discussed further at paragraph m). This is a wholly affordable scheme and the benefits of adding to the housing stock outweigh the need for an off site open space contribution.

l) Archaeology

The Historic Environment Officer has advised that Prehistoric Roman and medieval finds are known from the surrounding area and as the site is located near the c. 1900 Methodist Chapel there is the potential for burial remains and has recommended that a watching brief condition is applied. However, as planning officers were advised (at the time of the now extant permission being submitted) that there were no known archaeological implications it is considered inappropriate to apply a condition now.

m) Private Housing

Comments have been received from the Private Housing Section raising concern regarding the internal layout of the apartments and in particular the relationship of bedrooms to escape route in the event of fire. This is not a planning matter however, the applicant has been advised that adequate measures will need to be implemented to reduce the risk of harm in the event of fire.

n) S106 Contributions

The application is made on behalf of Longhurst Homes which is a wholly affordable scheme and funded by the Homes and Communities Agency. The applicant and the Local Planning Authority have agreed that a contribution per unit to partly mitigate against any additional burden on existing infrastructure and services. A pooled contribution of £20,000 (plus a £400 monitoring fee) is to be made and this is the same as previously agreed under the extant permission. Whilst this is less than would normally have to be paid by a private sector scheme, an exception can be made because the funding regime for the scheme is such that the development would be made unviable if a larger contribution had to be paid. This has been confirmed by the Section 106 officer.

8 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- The proposed residential development makes efficient and effective use of a Brownfield site and the scale and density of the development will not adversely impact on the surrounding character or result in an unacceptable impact on the amenities of occupiers of the adjacent residential properties and accords with policies DA1, DA2, H15 and H16 of the Adopted Peterborough Local Plan (First Replacement).
- The design of the dwellings would serve to enhance the character and appearance of the locality in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).
- The future residents of the development will be afforded a good and, unique to Peterborough, provision of private amenity spaces that will accord with policy H16 of the Peterborough Local Plan (First Replacement).
- The parking provision for the development accords with the maximum standards of policy T10 of the Peterborough Local Plan (First Replacement).
- The residents of a number of the dwellings within South View Road are to benefit from being given the potential for a vehicular access to the rear of their properties which will reduce the existing pressure on the limited number of on street parking spaces in accordance with policy T1 and T10 of the Peterborough Local Plan (First Replacement).

- The vehicular access satisfies the requirements of the outline planning permission in accordance with policy T1 of the Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

Subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the infrastructural and community needs of the area, the Head of Planning Services be authorised to grant planning permission subject to the following conditions:

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C 2 No development shall take place until details of all materials to be used in the external surfaces of the buildings have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**
Reason: In the interests of visual amenity in accordance with policy DA2 of the Peterborough Local Plan (First Replacement)
- C 3 Notwithstanding the submitted information no development shall commence until details of the junction of the proposed access/access road with the existing highway have been submitted to and approved in writing by the Local Planning Authority. The junction shall comprise a dropped kerb vehicle crossing. Thereafter the construction of the junction shall be implemented in accordance with the approved details.**
Reason: In the interests of highway safety in accordance with policy T1 of the Peterborough Local Plan (First Replacement).
- C4 No dwelling on the development shall be occupied before the highway linking that dwelling to the existing public highway at South View Road has been completed to base course level.**
Reason: In the interest of Highway Safety in accordance with policy T1 of the Peterborough Local Plan (First Replacement)
- C5 Development shall not commence before vehicle-cleaning equipment has been installed of a specification and in a position to be approved in writing by the Local Planning Authority. All vehicles leaving the site shall pass through the cleaning equipment before entering the public highway**
Reason: In the interest of Highway Safety in accordance with policy T1 of the Peterborough Local Plan (First Replacement)
- C6 Visibility splays clear of any obstruction over a height of 600mm above footway level shall be provided on either side of the junction of the proposed access road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access road from its junction with the channel line of the public highway, and 60m measured along the channel line of the public highway from the centre line of the proposed access road.**
Reason: In the interest of Highway Safety in accordance with policy T1 of the Peterborough Local Plan (First Replacement)
- C7 Prior to the commencement of development a scheme for the disposal of foul and surface water (including the routes of associated infrastructure) shall be submitted to and approved by the local planning authority. No dwelling shall be occupied until it is connected to the approved scheme.**
Reason: In order to protect and safeguard the amenity of the local residents and occupiers of the development in accordance with policies U1 and U2 of the Peterborough Local Plan (First Replacement)

- C8** Details of existing and proposed site levels, including finished floor levels of the dwellings together with their associated garden areas, and garages hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site. These details shall also include the levels of the adjoining land and any building within 15m of the boundary with the application site. The development shall be carried out fully in accordance with those approved details.
Reason: In order to protect and safeguard the amenities of the adjoining occupiers in accordance with policy DA2 of the Peterborough Local Plan (First Replacement)
- C9** No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are occupied. Development shall be carried out in accordance with the approved details.
Reason: In order to protect and safeguard the amenities of the adjoining occupiers in accordance with policy DA2 of the Peterborough Local Plan (First Replacement)
- C10** No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines, etc., indicating lines, manholes, supports, etc.); retained historic landscape features and proposals for restoration, where relevant. The scheme shall include the provision of extra heavy standard size along the boundary of the site with nos. 1 – 5 (odd) South View Road.
Reason: In order to improve the visual amenity of the areas, in accordance with Policies DA1, DA2, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).
- C11** All hard and soft landscape works shall be carried out in accordance with the approved details. All tree, shrub and hedge planting shall be carried out in accordance with BS3963-1992 Part 1 – Nursery Stock- Specifications for Trees and Shrubs and Part 4 1984 – Specifications for Forestry trees; BS4043-1989 Transplanting Root-balled Trees: BS 4428-1989 Code of Practice for General Landscape Operations. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
Reason: In order to enhance the visual amenities of the area, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).
- C12** If within a period of five years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives written consent to any variation.
Reason: In order to ensure the successful establishment of the landscaping scheme in accordance with policy LNE10 of the Peterborough Local Plan (First Replacement)
- C13** In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 12 months from the date of the occupation of the last building on site for its permitted use.
(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work);

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement)

C14 The plans and particulars submitted in accordance with the condition 13 shall include:

(a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 m above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;

(b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

(c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site

(e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development. In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement)

C15 Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the implementation of the development shall accord with the approved details.

(The applicant/agent is advised that the works involved in this condition are the sole responsibility of the owner/developer to ensure a safe development and secure occupancy for future residents. In addition the applicant/agent should be aware that the Local Planning Authority has determined this application on the basis of information submitted with the planning application. The grant of permission does not imply that the site is free from contaminants).

Reason: In order to protect and safeguard the amenity of the local residents and occupiers of the development in accordance with Planning Policy Guidance Note 23 and policy DA2 of the Peterborough Local Plan (First Replacement).

C16 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. These facilities shall be in accordance with details which have been approved in writing by the Local Planning Authority.

Reason: In the interests of Highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).

C17 Prior to the occupation of the dwellinghouses hereby approved storage areas for the siting of the refuse bins, associated with the occupation of the dwellinghouses, on days that the refuse bins are to be emptied, shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter those areas shall be retained for the storage of refuse bins on the days that they are emptied.

Reason: In the interest of residential amenity in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).

C18 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), there shall be:

- no extensions or alterations made to any dwelling (including the enlargement or addition of windows),
- no erection of walls or fences (other than those approved)
- no erection of gates or doors or other enclosure of the garage / car ports
- no conversion of garages / car ports to habitable rooms.

Reason: In order to protect the amenity of the area and those of the occupiers of the development in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

C19 The roads, pavements and the parking court areas of the development, hereby approved, shall be illuminated in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented in accordance with a timescale to be agreed with the Local Planning Authority.

Reason: In the interests of highway safety and the general security of the development in accordance with policy T1 and DA11 of the Peterborough Local Plan (First Replacement).

C20 Notwithstanding the submitted information no dwellinghouse shall be occupied until the details of the screening panels for the terrace areas of each dwellinghouse have been submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details prior to the occupation of each dwellinghouse. These boundary panels shall be retained thereafter entirely in accordance with the approved details.

Reason: In order to protect the amenities of the occupiers of the existing residential properties adjoining the development and the occupiers of within the development where two terrace areas flank onto one another in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).

C21 Prior to occupations of the dwellinghouses details of the solar panels to be affixed to the roof of the dwellinghouses shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall accord with the approved details.

Reason: In the interests of the general amenities of the area in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).

C22 No development shall commence until details of the tree protection measures and working methods to be employed within the root protection areas of any retained tree on or adjacent to the application site.

Reason: In order to protect and safeguard the amenities of the area in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement)

C23 Notwithstanding the submitted information the cycle stands within the bicycle storage compounds shall be allocated on the basis of one cycle stand per flat and each cycle parking stand area shall have a lockable gate in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall accord to the approved details.

Reason: In the interest of the security of the dwellings and associated property in accordance with policy DA11 of the Peterborough Local Plan (First Replacement)

C24 Notwithstanding the submitted information the flats hereby approved shall be accessed via an audio and visual link at the principle entrance to each of the flats blocks hereby approved in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the security of the flats in accordance with policy DA11 of the Peterborough Local Plan (First Replacement)

Notes Relating to this Decision

1. British reptiles are protected by UK and European Legislation and under the Wildlife and Countryside Act 1981. In the unlikely event that reptiles are discovered on site they should be allowed to make their escape from the area and should under no circumstances be deliberately harmed.

Copies to Councillors Sandford, Day

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PLANNING & ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 6
23 FEBRUARY 2010	PUBLIC REPORT

Contact Officer(s):	Simon Machen, Head of Planning Services Nick Harding, Planning Delivery Manager	Tel. 453475 Tel. 454441
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CHANGES TO CONSTITUTION

R E C O M M E N D A T I O N S	
FROM : Head of Planning Services	Deadline date : N/A
It is recommended that:	
<ol style="list-style-type: none"> 1. the Planning & Environmental Protection Committee approves the changes detailed in this report; 2. the Planning & Environmental Protection Committee recommends that full Council approve the amendments detailed within this report. 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Committee following a request from Members and the Head of Planning Services.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to request that the Committee recommend to Council numerous changes to the Constitution relating to the Planning and Environmental Protection Committee (PEP) speaking scheme, delegations to officers and the Planning Code of Conduct.
- 2.2 It is good practice to periodically review and if appropriate revise the governance arrangements for the PEP Committee.
- 2.3 The changes listed in Appendix A have been suggested in order to simplify existing provisions, to add clarity (particularly in relation to officer delegations) and to remedy minor errors which have been highlighted.

3. MAIN BODY OF REPORT

- 3.1 The existing speaking scheme for planning has been in place for a number of years and has been identified for update. The main reasons for this update are to enable more efficient administration and to simplify existing provision. There have been issues highlighted in the recent months with regard to the amount of time allocated for specific groups of speakers and also the deadline for the cut off for registering to speak. The amended speaking scheme also identifies a simplified order of speaking and encompasses a new provision for the submission of written information which had not previously been included.
- 3.2 In order to clarify the issues which should be dealt with at the PEP Committee, further amendments have been made to the officer delegations and to the terms of reference. These amendments are highlighted at Appendix A and encompass all changes required to ensure the PEP Committee's time is being utilised accordingly and to ensure consistency across the constitution.

- 3.3 In order to further ensure consistency across the constitution, the Planning Code of Conduct has been reviewed and a number of minor changes have been identified in relation to referrals and delegations to officers.

4. ANTICIPATED OUTCOMES

Implementation of the recommendations in this report will ensure that the PEP Committee's governance arrangements remain robust. Implementation will also reduce the risk of successful challenge to any decisions taken by making sure that the Constitution is up to date and accords with current legislation.

5. REASONS FOR RECOMMENDATIONS

To put in place a sound planning speaking scheme and to modify the Constitution in relation to numerous changes which have been brought to light over the past months with regards to delegations to officers, the Planning Terms of Reference and the Planning Code of Conduct.

6. ALTERNATIVE OPTIONS CONSIDERED

As it is important that the Constitution is kept up to date and accurate, there were no other options considered.

7. IMPLICATIONS

7.1 The recommendations in this report comply with all legal requirements.

7.2 There are no financial implications.

8. BACKGROUND DOCUMENTS

The Council's Constitution document.

Changes to Constitution

Current provision	Proposed provision	Reason for change
<p>Part 4, Section 3 – Standing Orders which apply to the Council and Committees.</p> <p>Planning Applications paragraph 9.1 (a) –</p> <p>Members of the public who wish to speak at meetings of the Planning and Environmental Protection Committee must advise the Chief Executive by 4 p.m. the day before the meeting.</p> <p>Procedure, paragraph 9.1 (b) –</p> <p>(i) Officers will introduce the item</p> <p>(ii) Representations by the ward Members and/or the Parish Council representative</p> <p>(iii) Members’ questions to the Parish Council representative</p> <p>(iv) Objectors’ representations</p> <p>(v) Members’ questions to objectors</p> <p>(vi) Representations by the</p>	<p>To amend as follows:</p> <p>Any Ward Councillor, Parish Council (or other groups defined in local planning policy as operating in a manner similar to a Parish Council) representative or member of the public who wish to address the Committee on any planning application or any consultation item referred from another local authority, must register with the Chief Executive by 12 noon Friday before the meeting.</p> <p>To amend as follows:</p> <p>(i) Officers will introduce the item</p> <p>(ii) Representations by ward councillors</p> <p>(iii) Members’ questions to ward councillors</p> <p>(iv) Representations by Parish Council representative</p> <p>(v) Members’ questions to Parish Council representative</p> <p>(vi) Objectors representations</p>	<p>To enable more efficient administration.</p> <p>To simplify the existing provision.</p>

<p>applicant, agent and any supporters</p> <p>(vii) Members' questions to the applicant, agent and any supporters</p> <p>(viii) Officers' comments</p> <p>(ix) Members' will debate the application and get advice from officers where appropriate</p> <p>(x) Members will reach a decision</p> <p>Paragraph 9.2</p> <p>'The total time allowed for speeches from each of the following groups of speakers will not be more than five minutes except that the Committee may decide to extend the time allowed for the following people making representations in cases where the applications involve unusual or exceptional circumstances:-</p> <ul style="list-style-type: none"> a) parish council representative b) objectors c) applicant or agent and their supporters' <p>No current provision</p>	<p>(vii) Members' questions to objectors</p> <p>(viii) Representations by the applicant, agent and any supporters</p> <p>(ix) Members questions to the applicant, agent and any supporters</p> <p>(x) Officers' comments</p> <p>(xi) Members will debate the application and obtain advice from officers where appropriate</p> <p>(xii) Members will reach a decision</p> <p>To amend as follows:</p> <p>The total time allowed for speeches from each of the following groups of speakers will not be more than five minutes unless the Committee decide on the day of the meeting, to extend the time allowed due to unusual or exceptional circumstances:-</p> <ul style="list-style-type: none"> a) parish council representative b) objectors c) applicant or agent and their supporters <p>To include additional paragraph at 9.3 as follows:</p> <p>The total time allowed for speeches from Ward Councillors will not be more than ten minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances.</p>	<p>To simplify existing provision and to clarify speaking times.</p> <p>To clarify speaking times.</p>
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<p>No current provision</p>	<p>MPs will be permitted to address the Committee when they have been asked to represent their constituents. Proof of this fact should be submitted to the Committee. The total time allowed for speeches for MPs will not be more than five minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances.</p> <p>To include additional paragraph 9.4 as follows:</p> <p>In lieu of speaking, Ward Councillors, Parish Council representatives and members of the public may submit representations in writing for consideration by the Committee. Written representations will be reported to the Committee in an update report and circulated on the day of the meeting.</p> <p>Ward Councillors, Parish Councillors, members of the public, agents or applicants may request, in lieu of attending the meeting that their response is read by the Clerk at the committee.</p> <p>The total time allowed for the reading of written submissions will be calculated on the day of the meeting and will be dependent on the number of people in attendance wishing to speak.</p>	<p>To clarify the status of written submissions.</p>
<hr/> <p>Part 3, Delegations Section 2 – Regulatory Committee Functions</p> <p>2.6.1.3 In respect of issues governed by the list of functions at Schedule 2.6.3, to determine whether, and in what manner, to</p>	<p>To remove (d) completely</p>	<p>This point is not required as it is already delegated to officers as highlighted in 2.6.2.3 (d) (i)</p>

<p>enforce any failure to comply with an approval, consent, licence. Permission or registration grant by the Council in cases where:</p> <p>(d) a breach of planning control has occurred but an officer has decided to take no enforcement action</p>		
<p>-----</p> <p>Part 3, Delegations Section 2 – Regulatory Committee Functions</p> <p>Paragraph 2.6.2.1 Delegations to Officers, (e)</p> <p>The Executive Director – Operations is authorised to deal with the following matters after consultation with the Chairman of the Committee and notification to (i) the Vice-Chairman, (ii) the representatives of the other political groups on the Committee of which the Chairman and Vice-Chairman are not members, (iii) relevant Ward Councillor, and no relevant planning objection being raised within 48 hours:</p> <p>(e) ‘Applications for the discharge or modification of covenants in agreements under Section 106 of the Town and Country Planning Act 1990’</p>	<p>To transfer section (e) from Paragraph 2.6.2.1. to Paragraph 2.6.2.3</p> <p>The Executive Director – Operations is authorised to deal with the following matters subject to there being no prior referral by a Member or a Parish Council to the Planning and Environmental Protection Committee as set out in its terms of reference.</p> <p>(e) Applications for the discharge or modification of covenants in agreements under Section 106 of the Town and Country Planning Act 1990. Ward Councillors are to be made aware of any such applications.</p>	<p>To simplify existing provision to enable more efficient administration.</p>
<p>-----</p> <p>Paragraph 2.6.2.3 (c)</p> <p>c) all planning and enforcement matters relating to conservation, Hedgerows and Tree Preservation, and proposed Emergency Tree Preservation Orders except;</p> <p>(i) the designation or modification of a Conservation Area (Cabinet Member for Environment Capital and Culture)</p> <p>(ii) Designation, revocation, variation and modification of Tree</p>	<p>To remove 2.6.2.3 (c) (ii) and incorporate the wording into 2.6.2.3 (c).</p> <p>c) all planning and enforcement matters relating to Conservation, Hedgerows and Tree Preservation Orders and proposed Emergency Tree Preservation Orders which includes designation, revocation, variation and modification except:</p> <p>(i) the designation or modification of a Conservation</p>	<p>To simplify the administration process to allow staff to deal with standard tree preservation order matters.</p>

<p>Preservation Orders (other than emergency orders)</p> <p>(iii) any which the Executive Director - Operations considers should be determined by the Planning and Environmental Protection Committee.”</p>	<p>Area (Cabinet Member for Environment Capital and Culture)</p> <p>(ii) any which the Executive Director - Operations considers should be determined by the Planning and Environmental Protection Committee.”</p>	
<p>Part 5, Section 4 Planning Code of Conduct</p> <p>3.1.1 Planning and Environmental Protection Committee</p> <p>Major, marginal or contentious applications are considered at the meetings of the Planning and Environmental Protection Committee at which ward members, objectors, applicants, and agents may address the Committee before a decision is made. In addition all applications by or on behalf of members, officers or Parish Councils will be referred to the Committee for determination.</p>	<p>Major, marginal or contentious applications are considered at the meetings of the Planning and Environmental Protection Committee at which ward members, parish councillors, objectors, applicants and agents may address the Committee before a decision is made. In addition all applications by or on behalf of a Councillor, Director or Head of Service of the Authority (or by their spouse/partner) or Parish Councils will be referred to the Committee for determination.</p>	<p>This is to bring the Planning Code of Conduct in line with the delegations to officers as detailed in Part 3, Delegations Section 2 – Regulatory Committee Functions. 2.6.2.2 (f)</p>
<p>Part 5, Section 4 Planning Code of Conduct</p> <p>3.1.4 Delegation to Officers</p> <p>Certain types of application defined in the Constitution may be determined by officers alone, but a small minority are taken in consultation with the Chairman of the Committee in accordance with Standing Orders. All delegated decisions taken in consultation with the Chairman are referred to ward Members for consideration for a period of three clear working days prior to the decision notice being issued. Members may refer the</p>	<p>Certain types of application defined in the Constitution may be determined by officers alone, but a small minority are taken in consultation with the Chairman of the Committee in accordance with Standing Orders. All delegated decisions taken in consultation with the Chairman are referred to Ward members for consideration for a period of 48 hours prior to the decision</p>	<p>To reflect current practice and to amend error.</p>

<p>decision during the consultation period to the Committee for determination.</p> <p>-----</p> <p>Part 5, Section 4, Planning Code of Conduct</p> <p>3.1.5 References to Committee</p> <p>In addition to those applications referred to in 3.1.1 above, members or Parish Councils may refer a planning application to Committee PROVIDED the reference is in writing based on proper planning considerations that relate to that application at the judgement of the Head of Planning Services.</p>	<p>notice being issued. Members may refer the decision during the consultation period to the Committee for determination.</p> <p>In addition to those applications referred to in 3.1.1 above, members or Parish Councils may refer a planning application from the weekly press list to Committee PROVIDED the reference is in writing based on proper planning considerations that relate to that application at the judgement of the Head of Planning Services.</p>	<p>The change is to clarify the distinction before referrals for general planning applications and referrals by the Executive Director of Operations.</p>
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